THE PETITION AND ARGVMENT OF Mr. Hotham,

Fellow of *Peter-House* in *Cambridge*, before the Committee for Reformation of the Universities, *April* 10. 1651.

Against the Masters Negative Voice of that Colledge, and for a remedy to be granted the Colledge against the usurpations of Doctor *Seaman* the present Master, agreeable to what was granted by Parliament to the City of *London*, *An. Dom.* 1648. for the better enabling them, in case of need, to act as a free Body, without their chief Officers concurrence.

Published for satisfaction to such of the University as may possibly be desirous of a true knowledge of that days proceedings.

London, Printed for *Giles Calvert*, and are to be sold at the Black-spred-Eagle at the West-end of *Pauls*. 1651.

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1665:15

To the Honourable, the Committee for Reformation of the Universities.

Right Worthy Senators,

THough by reason of a subrustick pudor and love of ease (the two Cardinal vices of my Constitution) I have been alwaies averse from action, never but by strong enforcement of duty appearing in publique view. And though I was never so well pleased with ought I could ever yet say or do, as to think it worth a rehearsall, much less of publication, especially in these Pamphletting times, wherein the glut of Books hath rendred all mens Palats nauseous of what is not in its kind excellent and extraordinary: Yet have I been lately by a strong desire of removing those pressures our Colledge hath long groaned under, rouzed up out of my dearling rest, and native shamefastness, to appear a petitioner before you in some cause of our common concernment; in all which, though wearyed with the discouragement of continuall frustrations (which put both all those engaged with me, and others that would have otherwise appeared into a resolution of no more addresses) yet could not I sit still as despairing, till I had made this one assay more, and delivered my self of this last parturience.

This masculine birth was no sooner exposed to the light in your presence, but it was, as you may well remember, by Doctor Seaman, whose prerogative it was born to oppose, endeavoured to be stifled with a deluge of vulgar slanders, viz. Maliguity to his person, ambitious desire of private promotion, enmity to the establisht Laws and Government of the University, from all which the Petition was I think before your selves sufficiently asserted; but those light aspersions being easilyer born away on the wings of common Fame, then that weight of reason I laid before you for its vindication, I held it convenient to send after them this particular memoriall of that dayes proceedings, that so his Calumnies, and this Narrative being both heard speak together, the University, which I know never yet esteemed me an enemy to its Government, may be the better enabled to give a true judgement.

But above all, being convinced by some present at that debate, that what I then delivered before you, if published, might possibly prove both a serviceable light and incentive to some generous spirits, to the contribution of their endeavors to that good reformation by you resolved upon, I could not,

(being a most devoted servant to that publique end) but give way to their Counsels, though putting my slow Pen to the great pennance of extorting from my weak memory, and transcribing into a form fit for the Press, that rude draught of materials, I had prepared for this work, together with an intersertion here and there of some few pertinencies in that tumultuary dispute, either omitted or forgotten.

I must confess I expected, that having the state of the Controversie, and great need then was of determining it, so clearly laid open before you. 1. In Doctor Seamans great unwillingness so much as to answer whether he laid claim to a negative voice. 2. In his open discovery, when more presly urged to it, of his avowance and claim to it. 3. In a full and satisfactory answer to all those Pleas he could produce in justification of this claim; That a Declaration of your senses against his negative voice, with some certain provision against the use of it for the future, would have been the narrowest result of that dayes consultation.

And I further hoped that some Gentlemen of worth would so far have espoused a Common wealth quarrel, as that, if the abolition of the Masters supremacy in calling of meetings, and proposing of questions at his own pleasure were not in the Committees power, the matter being of a high and publique concernment, should have been speedily reported to the house to provide a remedy.

But I will not make any foolish expectation of mine, a rule whereby to judge of the resolutions of wise men.

That Order you were pleased to make that day, of having a view taken of the Statutes of the whole University, and every particular Colledge, was a noble and a generous Resolve; and to suffer your selves, from the representation of a particular places grievances to be awakened into a positive activity towards an universall reformation, was a thing becoming men of enlarged spirits, and that Arch-poimen all power you are entrusted with. And in that subsequent Order of those Gentlemen of the Sub Committee, Dated April 25. I cannot but with all due reverence applaud their wise admittance of an intermixture of the experience of men best knowing in Colledge affairs with their own particular wisdoms in this Reformation: you gaining by this means a threefold advantage.

First, The due praise of your Honourable Condescent in not asserting us to our lost freedoms by an absolute power, till there first appear in our selves a dislike of our former Metamorphosis, and willingness to be restored.

Secondly, A true knowledge of the condition and temper of the University in the Genius of its particular members, and how it stands affected to the principles of freedom.

And

And thirdly, Many considerable discoveries, which your selves out of the bare Theory could never have made, of great subserviency to the clearing of your understandings, not only in this point of freedome, but in all the other parts of your intended Reformation.

Yet give me leave in my rough Northern Dialect to present before you some grand obstructions, which as to our Colledge (for I desire not to intermeddle further) may possibly hinder such due concurrence as might justly be expected.

The first is the Master of the Colledges residing at London, *Who though at that distance from his Charge, he ought to be lookt at as a non significant Cypher, yet hath he thereby opportunity, by his great interest and acquaintance with many of your members, to cast the prejudices of a private and partial information against whatsoever We shal present, especially if intrenching upon his prerogative.*

Secondly, Though himself should sit still and say nothing, yet his known Agent that grave Seigniour, Who stands alwaies at your elbow, and hath been permitted more then once to intermeddle in our Colledge affairs, even in the time of your private debates, when We of the Colledge, who are most concerned, were commanded to withdraw, and who, by the knowledge of your minds he thereupon pretends to, hath sometimes attempted to deprave your Orders from your sense, recorded by your publike Officer. This man still continuing in trust and respect with you, and I believe oft intruding his alley into the penning of your Orders, cannot but administer us great ground of jealousie, that our best endeavours are in danger to prove abortive.

I speak not this without good ground, for when We had once at the beginning of these troubles a Petition to present to you; a prudent man of our Society, Whose judgement we knew concurred with us, did refuse to appear above-board upon this very ground: Our Petition he said was very just, and agreeable both to Reason, and the Colledge Statute, but the Tribe of Adoniram *would be too strong for us.*

A Gentleman being once to travel into France, *took with him a raw Countrey-fellow to wait upon him; the Gentleman being arrived at* Paris, *and some daies after, going to see the Court, his man was very inquisitive of him to know which was the King: but being shewn him, would not believe it was he, and gave this for his reason, That sure the French were not such fools, when they had among them as he knew well, a grave, able, and learned Councellour to make choice of (he meant a tall grim* Switzer, *with a great head, and a long beard, which he had observed waiting at the Kings*

Gate) to reject this Wise man, and make choice of a young youth of not thirty year old to be their King.

All the application I make of it is but this one sober aviso, that you beware of too much depretiating your selves, and your authority; The being but thought to Philippise, was once a great dishonour to the famous Oracle. This reverend Switzer is I assure you look't at as a great man, is adored by many, and few I think appear before you but sacrifice to him, at least ne noceat, and the old Proverb of our Chronicle begins to be again remembred;

He that will *England* win,
With *Scotland* must first begin.

I know not whether this plain language may displease some, but I hope some indulgence will be granted to a poor Northern man, who hath not yet learned to speak smooth English. And besides, it is more agreeable both to the rules of honesty and your interest, that these things should be declared to you, then whispered of you. But I forget my self.

That this mans finger (though your selves I am confident are not aware of it) hath not been wanting to the penning of this Order, I do a little suspect. Because first, Only those members of Colledges entrusted with the Government for the time being (which I think in most Colledges are only the Master and two Deans, and a Lecturer or two) are here called in to give their advice. Secondly, That masculine expression in your first Resolve of reducing the Statutes to such a state as may render them most conducing to the advancement of the interest of a Common wealth, being in this latter Order left out, and instead thereof, they only commanded to consider what Statutes, &c. are prejudicial to the present Government: whereupon most men declining your intended sense (of which your first Resolve is the best Expositor) will probably confine their understandings solely to the Consideration of the Oaths of Allegiance and Supremacy, or something of that nature, as fit to be abolished.

Thirdly, In our Colledge, though the Master and Deans, with the Lecturer (and Bursar in some cases) are solely intrusted with the executive part of the governing power, yet is every member of the Society by our Statute, equally intrusted with the Legislative.

Now there are lately five Fellows put in by Order of this Committee, who though none of them have yet attained the degree of Master of Arts, and so are not yet men in an University account, yet must they (being by your special Orders made compleat Fellows a year before their time) though utterly ignorant of our Statutes, unexperienced in Colledge affairs, and besides, all but one of them, by their several relations to the Master, most devoted

devoted to his intereſt, have equal Votes in this grand Tranſaction with us of ancienteſt ſtanding and experience, which muſt needs produce vaſt obſtructions, and perhaps returns of contradictory opinions before your Tribunal. And theſe young lads opinions, being in the moſt material points, ſure to have the Maſters, either private or publike abettance, according to whoſe private inſtructions they will aſſuredly act, 'tis not uneaſie to judge by former ſucceſſes what is like to be the event in this.

Fourthly, It being unlikely that you will finde in other Colledges, a number conſiderable to the major part to declare for any conſiderable mutation, where no oppreſſive miſcarriage of their chief Officer hath awakened them into a diſtaſte of their preſent abſolute Monarchy; its improbable our Colledge lying under ſuch diſcouragements will adventure to be ſingular.

Fifthly, That which is likely to prove the main obſtruction of all, is mens jealouſies of thoſe hazards they may incur by a fruitleſs Declaration of their ſenſes in points tending to the advancement of a Common-wealth intereſt, yourſelves having not yet declared your own ſenſes in favour of the cauſe of Liberty, which makes ſome fear, that their profeſſion of ſome free principles may (though undoubtedly far from your honorable intentions) prove in the event, but an aſſembling themſelves though honeſt men, to the fate of Baals Prieſts, I mean the rage of that Samaritan, whoſe corrupt intereſt they oppoſe.

But if your ſelves upon whoſe countenances all men will look as the magnetick Pole-ſtars of their motion, would but ſhew your ſelves ſo far propitious to the cauſe of Liberty, as to paſs but by way of earneſt, a previous Declaration of your ſenſes againſt the prerogative of Peters Chair, whoſe root lies already bare and diſfaſtned by reaſons, axes and mattocks, and wants but one ſtroke of your authority to lay it level with the ground; this would indeed give ſome incouragement to our fainting reſolutions.

But if the redreſs of our grievance muſt be deferr'd till a perfect new model of all thoſe Statutes have waded through that infinitude of almoſt inſuperable obſtructions it will meet with: I cannot but look at our Cauſe as neer deſperate, or at leaſt ſhall of poor Peter-houſe take up my Proverb, and ſay Dum conſulitur Romæ, capitur Saguntum; while help from our friends of the Roman Republick is delaied, our Liberties are left as a prey; and thoſe that appear'd for it, as a ſcorn to the inſulting enemy, who now having obtain'd his will in your ejection of one elected by the Preſident and Fellows; of which you have an account annext to the latter end of this Relation, and his own Sizer a Londoner put by you into that Fellowſhip, though deſign'd by our Founder for a Northren man; and having laſtly

got

got this desired advantage of having this great controversie left in statu quo, *and drown'd in that unfathomable Ocean of the universal view, and Reformation of the great body of our Colledge and Universitie Statutes (like that souldier, who being told he must answer for some yards of cloth he had snatch't out of a Merchants shop, at the day of Judgement, merrily retorted; that might he have so long a day given him, he would take the whole piece) puts the evil day afar off; and as I hear impotently boasts himself your onely Favorite, and the Society as a despised handful, not otherwise look't at then as a heap of dead stones, except when it shall please himself to animate us into a Fabrick.*

This I can attribute to nothing so much as those his Punick Ambusca'ds wherewith he hath hitherto prevail'd against our more apert Roman Militia; I mean those secret whisperings instill'd, I fear into their ears, whom he hath free access to, of his being the author of all their essences in Peterhouse, *who now lift up their heels against him, of a Faction, and I know not what plot, to make way for building up another mans promotion out of his ruins; which groundless scandals, lying perhaps as a prepossession in many mens belief, cannot but prove a heavy obstruction in their way who have done, or shall further appear his adversaries.*

But I hope you will in time consider how usual a stratagem it hath alwayes been of tyrants, to defile those that appear'd for Reformation with such like slanders.

And when Truths Story comes to be told in to your other ear, which I hope is reserv'd empty for us the Fellows; these daughters of Falshood will hide their faces, and vanish into nothing. I could my self with a little more of your patience rectifie your judgements of those prejudices, were I sure there were need of it.

But I have detained you too long.

Be pleased to accept of these Remonstrances, which, lest the Publication might be misinterpreted an appeal to others; I crave the boldness to Dedicate in all humility to your selves, not doubting, but that that candid and favourable attention of yours, which honor'd their first privater birth, will not deny its propitious influence upon this their more publick production.

And that you will every way approve your selves answerably to that honorable Stile you bear, The Committee for Reformation, *is the confidence,* *And will alwayes be the Prayer of*

Your meaneſt Servant,

Ch. Hotham.

To my moſt dear and ever honoured friends, the Fellows of *Peter*-houſe in *Cambridge*.

Gentlemen of our ancient Society,

WHen I caſt my eye upon your experienced great worth, and the unparallel'd happineſs I have long enjoyed in my converſes with you, I cannot but wiſh my ſelf able to erect ſome laſting monument, whereon to engrave my deep ſenſe of both to perpetuity.

But my ſhort power ſinking ſo infinitely beneath my own deſire, and your deſert, I am enforced rather then be altogether unfruitfull, to preſent you with this barren Eſſay of my endeavours for our common freedom: which coming now to ſee the publike light, is (next to our generall Protectors, to whoſe Honourable inſpection over us, we muſt needs ſay, we owe our preſervation) devoted to your ſervice and acceptance.

I know you will a little wonder at this opener appearance of this Petition and Argument, which I think you never looked I would have been ſo adventurous as to have ſuffered to ſee ſo much light as it did in your view before the Committee.

For, to appear againſt the intereſt of a man ſo generally befriended, by ſome upon point of ancient acquaintance, & opinion of his holineſs; by others upon his high merit in the ſeceſſion from his former principles and party he was a head of, to an abſolute complyance with the ſtrongeſt ſword, even to a preaching up the preſent powers Authority,

out of the very ſame Texts and Principles which were formerly made uſe of by the Regal-Parafites, to eſtabliſh that blind obedience we all declared and fought againſt; for a meer ſervant of principles to contend againſt a ſerver of times, ſuch a good loyall ſubject, and perfect tool of State, that hath like the complying Knight of old, confeſt even Boots and Spurs and all, and reſolved all his former ſtiffe principles into that one of a ſupple, ſervile obedience to the ſtrongeſt ſword, was, I know both you and all men elſe will ſay, a deſperate attempt, and more ſmeling of juvenile heat, then a ſedate wiſdom.

I confeſs, if my love of Juſtice, and honourable eſteem of our Judges integrity had not been much ſtronger then any humane hopes of ſucceſs, I had never imployed my endeavours upon ſo improbable an adventure.

But you know my profeſt principle hath alwaies been, that a true Chriſtians motions ſhould be guided by that one ſingle internall principle of righteouſneſs, that where duty cals to action, there our work is ſimply to contribute an endeavour, leaving ſucceſſes to him that is Lord of all: That that man is not worthy the name of a Chriſtian, nor fit to be an inſtrument of any remarkable good, that will not prodigally adventure the loſs of his repute, as well as labour in miſcarriages, for the poſſible accompliſhment of a righteous end.

Whereupon ſome of you may poſſibly remember, that when we were upon that firſt attempt of petitioning the Committee againſt the Maſters man, being made Fellow of our Colledge, and the intruſion of young Lads into the Colledge-government, though I both owned and cordially joyned with you in thoſe (I think) juſt requeſts, yet I alwaies ſaid we were thus far comparatively unjuſt, in that we unbecomingly ſpent our pains in hewing at a few excrementitious branches, and did not rather lay the Ax to the root of the tree, *viz.* the Maſter himſelf, and his uſurped prerogative, who by denying us our right of elections, had been the true originall of all thoſe miſchiefs.

For as for thoſe youngſters, they having no truſt upon them to the contrary, if they did a little over-eagerly ſeek their own promotion, it was but a private error, a ſin of their age, rather then judgement.

But for Doctor *Seaman*, a Patriarchiall pretender to Religion, and entruſted with the Patronage of the Colledge rights, to betray them and us to his own corrupt deſign of new modelling the Colledge, and molding up a party devoted to his own ends, was in him an unpardonable

tranſgreſ-

tranſgreſſion, and in us eſpecially, who had appeared againſt leſſer offenders, not altogether excuſable to ſuffer it without endeavouring a remedy.

Dat veniam Corvis, vexat cenſura Columbas.

But you perhaps not thinking fit to engage againſt an intereſt apparently too ſtrong for us, or deſiſting upon other reaſons beſt known to your wiſdoms, I thought fit however to acquit my ſelf from the blame of my own Conſcience by my ſingle engagement againſt that deſtructive prerogative, which I was the rather willing to do upon my own ſingle adventure, becauſe if I prevailed, the Community would be a gainer; if not, the loſs of labour, and the diſrepute was only my own.

Beſides, I was ſure you were all throughly perſwaded of my ſouls candor in the attempt, and that none of thoſe by-reſpects our Malignant and ungodly Maſter charged me with, but only the publike good was my ſole and ſincere aym, both in this and other tranſactions, wherein I have appeared croſs to his deſigns. And ſo whatever error I might commit in the management of this affair, I promiſed my ſelf from you, whoſe cenſure I only valued, an eaſie pardon.

Yet in all this proſecution of our cauſe of liberty, you ſee I have hitherto acted with ſuch tenderneſs to him I oppoſed, as to aym only at the removall of his hurtfull prerogative, not his perſon: but ſeeing he hath to his former miſcarriages added this Capitall tranſgreſſion, of ſeeking to caſt a publike diſgrace upon the Preſident and whole Society, whoſe honour and immunities he was bound to defend, I hope it will not be thought injuſtice if that perſonall charge againſt him (which if produced before, would have come in only as a needleſs ſupernumerary motive to the enforcement of my Petition) being reſerved as yet intire, be in its due time, when ſome formalities yet wanting ſhall be ready, produced againſt him to his amotion.

And if it ſhould ever be our good hap to diſcharge our ſelves of ſo unneceſſary a burthen, I ſee for my own part no reaſon why the Kingly Office in *Peter-Houſe* may not well be aboliſhed, and he who ſhall a Preſident be elected yearly to ſupply the place, content himſelf for his pains with the ſtipend allowed by the Founder, and ſo the State become exonerated of the charge of that augmentation.

Nor do I ſee why we ſhould diſtruſt that Government in our Corporation, of which all the Corporations throughout the whole Nation

have ſuch ample experience, eſpecially we having found by a more then ſix years experience of our own, that all the good ends of Government have been attained with us by a Preſident and Fellows in the Maſters abſence, much better then in his preſence.

Yet I ſpeak not this at all in relation to other Colledges, whoſe Conſtitution may be different from ours, and who have perhaps found great benefit redounding to their Communities from their ſeverall Maſters vigilancy and faithfulneſs to the common intereſt.

But I hope the Maſter of our Colledge will be ſo wiſe in his generation, as to cut off the Clue from theſe remote deſigns, by making uſe of that old Statute, *de promotis*, together with that preſent intereſt he hath in many members of the honourable Committee, to rid me firſt out of his way, a thing moſt of you know he hath oft threatned me with, but could never yet by ſuch means get me to bate him one Ace of my open oppoſition to his deſigns, where my judgement engaged me to it.

I know moreover what obſtructions he is able to lay in my way (without once being ſeen in it himſelf) whenſoever I ſhall come to lay claim to my *Lancaſhire* inheritance, but it is my reſolution, God willing, to go on as juſtice ſhall call, ſtraight forward, without looking aſide either to the right hand, or to the left.

Nor ſhall the hazard either of my fellowſhip, or five or ſix hundred pounds a year to boot, deter me from doing ought wherein I may advance a publike good, with reſpect to that worthy Society, to whom I ſhall, while I enjoy life, endeavour to approve my ſelf

A moſt affectionate

and faithfull Servant,

Ch. Hotham.

An Act of the Commons of *England* in Parliament aſſembled, for removing Obſtructions in the proceedings of the Common-Councel of the City of *London*.

THe Commons of England in Parliament aſſembled, do enact and ordain, and be it enacted and ordained by the Authority aforeſaid, that in all times to come, the Lord Maior of the ſaid City of London, ſo often, and at ſuch time as any ten or more of the Common-Councel-men do by writing under their hands, requeſt or deſire him thereunto, ſhall ſummon, aſſemble, and hold a Common-Councel. And if at any time, being ſo required or deſired, he ſhall fail therein, then the ten perſons, or more, making ſuch requeſt or deſire, ſhall have power, and are hereby authorized by writing under their hand to ſummon, or cauſe to be ſummoned to the ſaid Councel, the members belonging thereunto, in as ample manner as the Lord Maior himſelf uſually hath done. And that the members appearing upon the ſame ſummons, being of the number of forty, or more, ſhall become a Common-Councel. And that each Officer, whoſe duty it ſhall be to warn in, and ſummon the members of the ſaid Councel, ſhall perform the ſame from time to time, upon the Warrant or Command of ten perſons or more ſo, ſo authorized as aforeſaid. And it is further enacted and ordained by Authority aforeſaid, that in every Common-Councel hereafter to be aſſembled, the Lord Maior of the ſaid City for the time being, or in his abſence ſuch Locum tenens as he ſhall appoint, and in default thereof, the eldeſt Alderman preſent, if any be, and for want of ſuch Alderman, or in caſe of his neglect, or refuſal therein, then any other perſon, member of the ſaid Councel, whom the Commons preſent in the ſaid Councel ſhall chuſe, ſhall be from time to time Preſident or Chair-man of the ſaid Councel, and ſhall cauſe and ſuffer all things offered to, or propoſed in the ſaid Councel, to be fairly and orderly debated, put to the Queſtion, Voted and determined in and by the ſame Councel, as the maior part

of the members present in the said Councel shall desire, or think fit: and in every Vote which shall pass, and in the other proceedings of the said Councel, neither the Lord Maior nor Aldermen, joynt or seperate, shall have any negative or distinct Voyce or Vote, otherwise then with and among, and as part of the rest of the members of the said Councel; and in the same manner as the other members have: And that the absence and withdrawing of the Lord Maior or Aldermen from the said Councel, shal not stop or prejudice the proceedings of the said Councel. And that every Common-Councel which shall be held in the City of London shall sit and continue so long as the maior part of the Councel shall think fit, and shall not be dissolved or adiourned, but by, and according to the order or consent of the maior part of the same Councel. And that all the Votes and Acts of the said Common-Councel, which was held 13. Januarii last, after the departure of the Lord Maior from the same Counsel. And also all Votes and Acts of every Common-Councel hereafter to be held, shall be from time to time duly Registred as the Votes and Acts of the said Councel have used to be done in time past. And be it further enacted and ordained by the authority aforesaid, that every Officer which shall sit in the said Councel, shall be from time to time chosen by the said Councel, and shall have such reasonable allowance or salary for his pains and service therein, as the Councel shall think fit. And that every such Officer shall attend the said Common-Councel: And that all Acts and Records, & Register-Books belonging to the said City, shall be extant to be perused and searched into by every Citizen of the said City, in the presence of the Officer who shall have the charge of keping thereof, who is hereby required to attend for the same purpose.

Hen. Scobel Cler. Parliament.

Errata.

Preface to the Committee, page 1. line ult. read *resolv'd*. p. 2. l. 16. r. *And I further, &c.* p. 3. l. 23. r *alloy*. Book. p. 5. l. 26. r. *some time*. l 33. r. *inconveniences*. l. 34. r. *Master*. p. 5. l. 16. r. *pausing*. p. 8. l. 3. r. *particulars*. p. 11. l. 3. r. *the only sound, &c.* p. 12. l. 2. r. *liking*. and l. 15. r. *be so understood*. p. 13. l. 23. r. *or Proctors*. p. 14. l. 25. r. *in aliquo*. p. 19. l. 26. r. *an equivocal brood out of corrupt manners*. p. 21. l. 2. r. *arduis*. and l. 6. dele *now*. p. 22. l. 4. dele *when*. l. 11 r. *system'd up, &c.* p. 23. l. 5. r. *Societies*. p. 24. l. 10. r. *conjunctim*. p. 25. l. 2. r. *so much*. p. 27. l. 3. r. *obstinacy*.

To the Honorable, the Committee for Reformation of the UNIVERSITIES.

The Humble Petition of *Charls Hotham*, Fellow of *Peter-House* in *Cambridge*.

Sheweth,

THat whereas in all Societies of men incorporate, great evils do usually arise from the too exorbitant power of their chief Officer, not annually elected to his Trust; the sad experience whereof our Colledge hath of late felt, the Master assuming to himself, or his President (if present) the sole power of Convocating and dissolving of publike Meetings, and proposing of Questions at his own pleasure; and sometimes refusing to act according to the determination of the major part; and all this onely for want of our Founders sufficiently expressing his minde in a Statute of our Colledge; wherein he Wills, that the Master should in the Arduous affairs of the Colledge, consult with the Fellows in Common, and stand to the determination of the Major and sounder part, but hath through the uncertainty of the last expression, left a gap open to the exercise of an Arbitrary power; and besides, constituted no penalty to the Master at any time, upon sinister ends, refusing to do his duty in that kind, nor provides the Colledge of any way for calling of Meetings, or making of Acts in form valid, without his, or his Presidents concurrence.

And seeing the Parliament hath always adjudged this unlimitted power in the supream Officer of the Nation, of a dangerous and destructive nature to the Weal Publike, and hath further proceeded so far, as to restrain the same in the City of London, where yet the danger is not so great, as in our smaller Corporation, their chief Officer being annually changeable, and new elected to his Trust: but ours, one and the same during the whole term of his life.

May it therefore please this Honorable Committee, for prevention of future mischiefs, and for Caution that this root of Corruption left in one of the ancientest Fountains of youths education do not spread out its pernitious branches to gangrene the whole Nation, To Ordain, That from henceforth the Master shall not assume to himself, or his President,

Preſident, ſuch an exorbitant power, but that he or his Preſident, or the Senior Fellow of thoſe preſent at home, ſhall at any time, upon the deſire of two of the ſeven Senior Fellows, left with him in writing under their hands, call a meeting at ſome ſeaſonable time, within 48. hours after their deſire ſo ſignified; and ſhall at that, and all other meetings propoſe to the Society ſuch queſtions as the Major part ſhall think fit, and not diſſolve any meeting without conſent of the major part; And laſtly, ſhall not aſſume to himſelf any Negative or diſtinct voyce, otherwiſe then as one member of the Aſſembly, and in the ſame manner as other members have, but ſhall according to the duty of his place, duly and without delay put in execution the determination of the ſaid Major part, and all this to be eſtabliſht under a ſufficient penalty; the want of which is the greateſt encouragement to mortal men to offend: And that in caſe the Maſter or his Preſident, or Senior Fellow then preſent, ſhall refuſe upon ſuch deſire of two of the Seniors, as above-ſaid, to call a meeting, then they themſelves to be authoriſed to call a meeting; and ſuch of the Fellows as ſhal meet upon their ſummons, if there be above ſeven then at home, to be impowred to chuſe a Preſident for that time, and to be a Colledge Aſſembly to all intents and purpoſes; And what ſhall paſs in ſuch Aſſembly ſo Convocated by the Senior Fellow of thoſe preſent at home, or the two Seniors above-ſaid, to be reputed an Act of the Colledge, as valid as if the ſame meeting had been convocated by the Maſter or his Preſident: And becauſe great inconvenience may oft inſue by the Maſter and his Preſident, being both abſent together, our Statutes having in ſuch caſe provided the Colledge of no Governor in chief. Your Petitioner doth further pray, That it may be ordained,

That in caſe the Maſter and his Preſident, ſhall be both abſent, That then the Senior-Fellow of thoſe preſent at home, may, till the Maſters, or his Preſidents return, be impowred as Preſident, to all intents and purpoſes, as if he were by the Maſter nominated, and appointed to that Office.

And your Petitioner, with the whole Colledge, delivered from the oppreſſions and uſurpations of an Arbitrary power, by the Wiſdom and juſtice of this Honorable Committee, Shall ever pray, &c.

This

This Petition was first presented and read before the Committee *March* 27. at which time Doctor *Seaman* urg'd that this controversie would concern the whole University, and therfore was unfit to be singled out alone, but rather should fall in with the consideration of the whole bulk of the Colledge and University Statutes now under consideration of the Committee of Visitors at *Cambridge*; but the Committee then looking at this as a dilatory subterfuge accepted of the Petition, assign'd a day for taking it into further consideration, granting me summons for such of the Society as I desir'd for Witnesses in case of need. The Master having the like liberty to nominate whom he pleas'd, but pitch'd upon none. This was the Order.

March 29. 1651.

At the Committee for Reformation of the Universities.

Ordered, that the Petition of M. Charles Hotham *Fellow of Peter-House in the University of Cambridge, this day presented to this Committee, be taken into consideration on this day fortnight, & that* Dr. Francius, M. Clerk, M. Brock, *and* M. Sams senior, *Fellowes of the said House, do in person attend this Committee, to inform this Committee of what they know concerning the matter of the said Petition, and that in the mean time the Master and Fellowes of the said House have a copie of the said Petition if they think fit.*

James Chaloner.

On the day appointed, being *April* 10. being desirous to have the cause heard at as full a Committee as might be, I attended sometime in the Hall with this following Petition for a revivall of the businesse.

To the honourable Committee for Reformation of the Universities, The humble Petition of Charles Hotham *Fellow of Peter-House,*

Sheweth,

THat whereas your Petitioner on the 27. of March last past having represented to this honourable Committee the great inconveniencies redounding to that Colledge, of which he is a member, from the too exorbitant power exercised by the M r. of the said Colledge, for want of our Founders sufficient declaration of his mind in a Statute, wherein he willeth that the Master

shall in ordinis Collegii, consult the Fellows in common, and stand to the judgment of the major and sounder part: For the more full and certain execution of which Statutes, your Petitioner did humbly pray, That such remedies as were in that Petition specified, might be ordained by the wisdom of this Honourable Committee.

Upon which desire of your Petitioner, it was then ordered, that the said Petition should be taken into consideration on that day fornight, and that Dr. *Franticus*, Mr. *Clark*, Mr. *Brock*, and Mr. *Sams*, Fellowes of the said Colledge, should be required to attend here in person, to inform this Honourable Committee what should be thought requisite concerning the matter of the said Petition.

Now therefore your Petitioner doth humbly pray, that this being the day appointed for the said hearing (and the Fellows of the Colledge which were summon'd being here in person, ready to attend the pleasure of this Honourable Committee) that the said Petition may be again read, and your Petitioner may be heard to make good his Petition, by such proofs of reason, or witness, as the nature of the thing shall require; and your Petitioner, as in duty bound, shall in all humility await such sentence, as shall upon full hearing of all parties concerned be awarded by the wisdom and justice of this Honourable Committee.

And shall ever pray, &c.

But this short Petition prov'd useless; for my former large Petition was resum'd without any motion of mine, and much sooner then my expectation.

But after the first clause of the Petition was scarce read, Doctor *Seaman* interpos'd a motion, that the further reading of it might be suspended, till a private business, which he said was the true original of all these commotions, were first heard. So the Petition was at his motion laid aside, and the private business first brought upon the stage: the issue of which, falling out strangely to his content, the Committee was made believe this was the substance of the whole controversie, there needed now no farther hearing of the publick Petition.

Now

Now as for that private buſineſs, ſeeing he hath chriſtened it with the name of publick, I have at the latter end of this Narrative made it publick for his ſake.

But nothing diſcourag'd with this unexpected event of that diſpute, I went in again to the Committee, inform'd a noble Gentleman there preſent, I had a Petition there of great concernment, which I deſired might be read, and my ſelf heard ſpeak to it. So at his motion the Petition was reſum'd.

After 'twas read, Dr. *Seaman*, I think, firſt ſpake ſomething to it; but to what effect, I have utterly forgotten, and ſhall be glad to be remembred of it by himſelf.

When he had done ſpeaking, I mov'd the Committee that for laying a clear foundation, whereupon to ground the debate, he might be askt the queſtion, Whether he laid claim to a negative voyce, or not.

His anſwer was, firſt, that he did not deſire to anſwer to any queſtion, till commanded to it by the Committee; but pawſing a while, and perceiving by a general ſilence of all the members, that a more full anſwer was expected, He ſtill ſubtilly declining an anſwer to the queſtion, tells them we had many ſorts of Colledge-meetings; that the Maſter was ſometimes to conſult with the Deans onely, ſometimes with 5 or 6 of the Seniors; but in the arduous affairs of the Colledge, he was to conſult with the Fellows in common, and to ſtand to the judgment of the major part. This now ſeem'd, at firſt view, a clear acknowledgment of his being bound up in the major part, in meetings of the whole Society preſent.

And any man, not acquainted with his methods, would have thought the controverſie had been at an end, and that the Doctor was ſcandal'd in my ſo much as intimating that he had laid claim to a negative voyce.

But as 'twill appear he meant nothing leſs For firſt, though he acknowledged himſelf bound in *arduis* to conſult the Fellows in common, yet nothing appear'd, but that he ſtill reſerv'd the judgment of that *arduity* as a *prerogative* within his own breaſt; ſo that the Society for meetings, though never ſo much needed, muſt depend upon his royall pleaſure, which was one of the chief grievances, againſt which a remedy was petition'd for.

Secondly, notwithstanding his seeming acknowledgment of being tied by the major part; yet being further urg'd to declare whether he did not from that additional expression in our Statute of the founder part, challenge to himself a decisive judgment which was the founder part, so as that he might judge the lesser part the founder, and be thereupon absolv'd from standing to the judgment of the major part, he could then keep himself in the darkness no longer, but produc't two Statutes for his negative voyce. The one, extending onely to the proof of his negative voyce over the two Deans, was an interpretation made a hundred and fifty years, or more, after the first compiling of our Statutes. In these words, "*Item si aliquid ex Statuto sit determinandum per "Magistrum, & Decanos concernens eorum officia, si Magister "Collegii, & unus Decanorum aliquid decreverint, stabit pro rato, & "si duo Decani decreverint, & Magister Collegii non concesserit, pro "nullo habeatur.*

But this prov'd not at all a negative voyce over the major part of the Fellows assembled in a meeting.

The other (being the main pillar of his cause) was the University Statute, which he read to the Committee in these words.

"*In omnibus & singulis electionibus tam Sociorum, Discipulorum, "Scholarium, Officiariorum, Lectorum, reliquorumq; membrorum cu-"jusq; Collegii, quàm in omnibus & singulis locationibus, & conces-"sionibus quibuscunq;, necessariò requirendus est Magistri sive Pre-"positi illius Collegii assensus & consensus. Et quod bene licebit "Magistris sive Præpositis Collegiorum, in suis Collegiis, si quando "illis necessarium videbitur, omnes illas pœnas exercere in delinquen-"tes, quas aliquis Officiariorum illius Collegii per Statuta ejusdem "Collegii imponere possit.*

These Statutes he said (but proved it not) were confirm'd by Act of Parliament: To which 'twas answer'd, That it's true, the Universities Charters were confirm'd by Act of Parliament, but as I believ'd, not the Statutes; no further confirmation that I know of appearing, more then by the same Commissioners, who review'd our Colledg-Statutes; which as far as I knew, there was as good ground to believe were confirm'd by Parliament, as those of the University.

He further added, that that which I charg'd as a fault upon him,

him, *viz.* the relying upon his own wiſdom, I was chiefly guilty of it my ſelf, in preferring a Petition of my own head, without firſt asking the advice and conſent of the Fellows, who did not appear any way to own it: to all which allegations of his, my anſwer, directed to the Chairman of the Committee, was as followes.

SIR,

I acknowledg it may to this grave Aſſembly ſeem ſtrange, & perhaps ſomething ſmelling of preſumption, that in a buſineſs wherein the good of the whole Colledg is pretended to, one man onely ſhould appear to own it, & he neither the firſt nor ſecond Senior of the Colledge, nor yet publickly employed by the Society for the making of ſuch attempt: But I hope if the high conſequence of the matter preſented, and greatneſs of the perſon, or rather intereſt to be oppoſed, and how unwilling men of prudent and ſuffering ſpirits have always been to engage themſelves in high conteſts, and how loath modeſt men are to ask that which they think may probably be denied them, be well conſidered, this wonder will ſoon ceaſe. And to take away the imputation of preſumption, I have onely this to ſay, that had I known of any man that would have taken upon him this task, I ſhould moſt willingly, according to that mans directions, either have ſitten ſtill, or ſeconded him in the meaneſt of ſervices tending to the advancement of this cauſe. But I knew of none, and beſides, had, above the reſt of the Society, theſe ſpeciall engagements obliging me to this endeavour.

1. Firſt at the time of my preſenting the Petition, I was one of the Deans of the Colledge, an Officer intruſted by the Founder, not onely as an aſſiſtant to the Maſter in the Colledge-Government, but likewiſe as one of the *Ephori* of *Sparta*, a Superviſor and Cenſor of his actions in ſome caſes, to admoniſh him, if need were, and in caſe of his obſtinate ſtanding out againſt admonitions, to complain of him to a Superiour Juſtice.

Secondly, our Colledge-ſtatute requires every member of the Colledge, even after his departure, (much more during his abode) that in way of a grateful acknowledgment of that much good he hath received there, he ſhould endeavour the preſervation of the Colledge-rights to the utmoſt of his power.

Now

Now there having been one of my own name, and Family, the third, or fourth ſucceſſour to the Biſhop of *Ely* that founded the Colledge, a great Benefactor to it (though the particulars wherein, appear not) and my ſelf coming now in a more peculiar manner, and by a ſtrange caſt of providence, to partake of the good fruits of his bounty; I held it a double obligation upon me to a performance of this clauſe of our Statute, by endeavouring ſomewhat which poſterity might reap the benefit of; which being at preſent not in a capacity to do, by gift of Lands, or any conſiderable ſum of Money, all I had left within my power, was only to appear here as the Colledges ſervant, in the vindication of our common-liberties, then which, ingenuous ſpirits know not a more precious treaſure upon Earth.

Thirdly, 'Tis a thing well known to all I have ever converſt with, that I have ever ſince the firſt beginning of theſe civill wars, and that in the moſt hazardous times, when the generality even of the Parliaments party ſtood inclinable to a defection, been to my poor ability, and in my narrow ſphere, a zealous aſſertor of the Nations liberty, againſt the prerogative of the ſupreme Officer of State, then in War againſt us: And therefore, if upon the ſame principle I now ſhew my ſelf more then ordinarily forward in aſſerting the liberties of our particular Common-wealth, againſt a parallel tyranny; I hope my boldneſs will find the eaſier pardon.

This I have been neceſſitated to premiſe, in anſwer to thoſe evill ſurmiſes which you hear have been rais'd, and objected, as of great conſequence againſt the title of the Petition, and more might be added; but ſeeing this Committee hath been ſo juſt and honourable, as waving all reſpect of perſons, to take the matter it ſelf into your grave conſiderations, I ſhall now wholly apply my ſelf to the matter in hand.

The Petition is large, but may, *in ſumma*, be reduc't to theſe two heads.

Firſt, a Preamble conſiſting of a Concatenation of divers motives for enforcement of the Petition.

Secondly, The Prayer of the Petition it ſelf.

The Motives are many, and of great weight.

You have in them,

Firſt,

First, a generall Propoſition of thoſe great miſchiefs which the common experience of all ages, places, and Nations, teaches us do ariſe from the chief Officer of any Corporations being intruſted with a power diſtinct from, and ſuperior to that of the community. 'Tis both the true characteriſticall badge of ſlavery, and the chief fomenter of jealouſies and contentions: For whereſoever 'tis ſo, there's alwayes a particular intereſt of the governing power ſet up diſtinct from, and moſt what contrary to, that of the publike, then which nothing can be more deſtructive to the welfare of any Community: the truth of which Maxime we have had a feeling proof in the ſad ſeries of thoſe evills which have lately ſprung up in this Nation from the claime and exerciſe of this power by the chief Officer of *Englands* great Corporation: 'Twas that which had like firſt to have plung'd us into the depth of ſlavery, and did afterwards ingage us in a bloudy war, the juſtice of which war can never be ſolidly maintained by the aſſerters of a Negative Voice. For my own part, this was to me the great convincing argument of the Scots apoſtaſie from their firſt principles, and from the cauſe they were with us ingag'd in, when I ſaw them in their Manifeſto plead ſo openly for the upholding of this great branch, or rather ſtock, and bulk it ſelf of the royall Prerogative.

2. You have for confirmation of this truth the judgment of the whole Repreſentative of *England*, and thoſe that have moſt cordially appear'd with them in this cauſe, eſpecially of the now governing power, which hath always declared this power in the King of a moſt dangerous and deſtructive nature to the weale publike, and inconſiſtent with the Nations freedom: And the Army in particular, when we were not yet attained to that wiſe and generous reſolution of removing the Kingly Office as well as his Perſon, did in their grand Remonſtrance propound it as a neceſſary caution for the ſecurement of our Liberties, that whoſoever ſhould, upon the removall of the late King, be admitted, though but by election, to ſucceed him, ſhould before his admiſſion diſavow all claim to a Negative Voice.

3. You have preſented to your view a more particular declaration of this preſent Parliaments judgment in this point, in reference to a particular Corporation: Thoſe evills which the whole

whole Nation had formerly groan'd under, there was a critical time when the City of *London* felt the same pangs of the same disease arising from the same fountain of corruption: the chief governour of that city exercising that power in his own Corporation, which himself with others had declar'd and fought against in the supreme Officer of the Nation; wherupon this Parliament was pleas'd to remove that prerogative, and provide them this very way now petition'd for, of acting as a free Body in case of need, without the chief Officers concurrence.

4. The fourth motive humbly propounded to your consideration is the great mischiefs which have redounded to our small Corporation from the exercise of this arbitrary power by our chief Officer: But of this theme, because 'tis very large, and will need much interlacing of proofs and examination of Witnesses, I shall treat, if need be, in the last place.

5. The fifth, and that the most generally convincing motive of all, is from our locall Statute which I read to you, when I was here last before this Committee, which runs in these words.

'*Quia quod à pluribus quaritur, facilius invenitur, et consulendo dicit Sapiens, Omnia cum consilio fac, & minimè pœnitebit: statuimus injungendo, nè cùm ardua domus emerserint negotia, Magister capitosè sua prudentia imitatur, sed omnes Scholares convocet, & emersa negotia exponat eisdem, & super illis quærat consilium singulorum, nedum seniorum, sed juvenum, cùm dovet juniori Deus aliquoties quod non seniori: sed si in unam convenient sententiam, bene quidem sin autem, numero stetur majoris, etiam & saniori.*

imitatur

Here you see our Lawgiver expresly declares his will, that the Master shall not prefer his private wisdom before the wisdom of the whole or major part of the Society: and brands such proceedings of his with an imputation of headinesse and rashnesse: Onely supposing the conscience of that Oath which the Master was to take at his admission would bee a sufficient tie to a strict performance of his will, thought it needlesse to establish his law by any penalty, or to point us out a way of acting without him, which is the defect we now desire a supply of.

In those times, when a plain, honest, and conscientious simplicity bore sway in mens hearts, and wickednesse was not so ingenious

nious as it hath ſince proved in our times, a few rules ſufficed to preſerve righteouſneſs and peace amongſt men: The Laws were then (as the Moſaical Law) like thoſe wide-window'd Nets our national Statutes preſcribe for hindering the deſtruction of the young fry of fiſh: but afterwards the corruption of mans nature ſpinning out it ſelf to ſuch a ſubtilty as to find eaſie Evaſion through thoſe ſpacious grates, 'twas found neceſſary in every age to make an intertexture of new threds, and croſs bars for the intangling of thoſe ſubtiller Offenders: Now therefore this which is propounded unto you being of this nature, not purely a new Law, but only a new way laid down (agreeable to what the wiſdom of Parliament had preſcrib'd in a parallel caſe) for the more ſure and effectual execution of the old eſtabliſhed Law of our Founder, ought in reaſon to find the eaſier admittance.

Only there is one Objection or two of ſome weight which I muſt crave the patience of this honourable Aſſembly, to give me leave to diſcuſs, for the fuller clearing of all doubts, which may perplex the queſtion.

The firſt is, that our Founder where he ſaith the Maſter muſt *numero ſtare majori*, adds [*etiam & ſaniori*,] whence ſome may perhaps infer, that 'tis left to the Maſter to judg which is the ſounder part, and ſo if he relinquiſh the major part, and follow their advice whom he judgeth the ſounder part, he tranſgreſſeth not. But that this was an expoſition far from our Lawgivers intention, I ſhall demonſtrate by theſe Reaſons.

Firſt, It's apparent the Founder intended this Statute mainly as a proviſion againſt the Maſters ſelf-wiſdom, upon which he ſaies, he ſhall not rely. Now therefore if the Maſter refuſe the major, and adhere to the minor part, only becauſe in his judgment the ſounder, he does in effect rely upon his own prudence, which is the thing our Founder forbids.

Secondly, If the judgment of the ſounder part be left to the Maſter, the word *majori* may as oft as he pleaſes be made a meer non-ſignificant Cipher. If the Maſter propound a buſineſs to the whole number of Fellows, which is fourteen, & can get but two or three (then which nothing is more eaſie) to ſide with him, he may call thoſe few men the only ſound men of the Society, all the other eleven or twelve ſhall be eſteemed as factious or frantick, becauſe of their advice not ſuiting with his ends; and ſo that obſcure

word [*saniori*] shall, like one of *Pharaohs* lean Kine, swallow up the word *majori*, though fairer and better likin', into its insatiable stomack. So shall the Master contrary to the Founders will be made by his own estimate the *Solus sapiens*, and supream Lord. The Fellows, they are flattered with a specious shew of liberty and co-partnership in the Government, but are indeed like meer School-boys (such would the King have made the whole Parliament) called together to a posing, not voycing, in which they must either comply with the Masters will, or have their advice rejected with scorn, and themselves dismissed with infamy, as crack-brain'd and unsound men.

Therefore this being an interpretation so full of contradiction and inconsistency both to the general current of this Statute, and particular contexture of the sentence it self, the word *saniori* cannot be understood, but is either a meer word of formality, or to say the most, was added only as a *Proviso*, where 'twas impossible to determine which was the major part, as where the number of Fellows on both sides was equally divided, that there the Master might encline to that part which he should judg the sounder.

But that by the word *saniori* is not meant at all a reference to the Masters judgment, but that 'twas rather a meer word of form effected by the solemn gravity of those times, will appear several ways, *As*,

First, From our eighteenth Statute, where our Founder, treating of licenſe to be given to two of our Fellows to travel, shuffles the Master and Fellows all into one pack, and says that they (the Master and Fellows, or the major and sounder part of them, shall have power to give this licenſe. His words are these, *Nos principaliter hoc statuimus, dictis Magistro, & Scholaribus potestatem & licentiam impartimur: quod ipsi vel saltem major pars, & sanior eorundem, si hoc Domini & Scholaribus expedire viderint, nominent duos Scholares dominis hoc petentes, & ad hoc suo judicio fore ins habiles licentiare valeant.*

Here you see the Master is clearly levell'd as one man with the rest of the Society: The expression runs not, as in some Statutes, *Magister & major ac sanior pars Scholarium*, but *major & sanior pars Magistri & Scholarium*, the greater and sounder part of the Master and Fellowes put together: so the Master being here made

a

a party in the Scrutiny, is incapable of being a Judge in the ſame: and therefore in all probability the word *ſaniori* is, as I ſaid, put in by the Founder only as a word of courſe, a meer *ſynonima*, an expreſſion affected by the gravity of thoſe times in which he lived.

And further, that this is no bare conjecture of mine, but rather a truth evidenced with us by experience of all times, the firſt of all the Univerſity Statutes entituled *De modo ſtatuendi*, which I have here copied out of the Proctors book, will make it very evident.

That *De modo ſtatuendi* runs thus:

'*Authoritate totius Univerſitatis Cantabrigienſis tam Regentium quàm non Regentium, ordinatum eſt, quòd in ſtatuendis rebus & negotiis utilitatem communem dicta Univerſitatis concernentibus ſolum illud pro Statuto habeatur, quod de conſenſu majoris & ſanioris partis dicterum Regentium, & de conſenſu non Regentium fuerit decretum per Statutum.*

And I have here ready to produce, if need be, a ſufficient number of preſidents ſhewing the obſervation of this Statute in ſeverall ſanctions from time to time, all which bear the ſtile of the major and ſounder part of Regents and Non-Regents: yet the conſtant tenour of our Univerſity proceedings witneſſes that the major and ſounder part were never look'd at as two diſtinct notions, and left to the Vicechancellors and Proctors diſcretion to determine of; but that the major part was alwayes (andas I can prove by another Statute ought to be) adjudged the ſounder, and whatſoever was decreed by the major number of voices, paſt alwayes for an act of the Univerſity without exception. And for the truth of this aſſertion, I appeal not only to thoſe of our Society, men of great ſtanding, here preſent, but to all that ever have long reſided as Maſters of Art in the Univerſity: yea and to Doctor *Seaman* himſelf, if he has ſeen ſo many Congregations as to make him a competent witneſſe in this matter.

So the advantage of that expreſſion for the aſſumption of a negative voice being now I hope cleary remov'd, I ſhall proceed to the laſt objection urg'd, and chiefly relied upon by the Maſter, which is, that the Univerſity Statute allowes all Maſters of Colledges a negative voice.

The Statute for your memories ſake I ſhall again rehearſe.

"*In omnibus & singulis electionibus tam Sociorum, Discipulorum,* "*Stheleriano, Officiariorum, Lectorum, reliquorumq; membrorum* "*eiusque Collegii, quam in omnibus & singulis locationibus, &* "*concessionibus quibuscunque necessario requirendus est Magistri si-* "*ve Præpositi illius Collegii assensus & consensus.*"

This is as much of the Statute as concerns the question in hand.

This Statute will, I know, to all that read it at first sight seem an Argument invincible.

But I shall notwithstanding crave leave to say somewhat in answer to it, not doubting but before I have done I shall make it appear as contemptible, as now it seems formidable. As,

1. First, That every College being a distinct Corporation by it self, and Laws prescribed for its Government by him that found-ed or endowed it, it may well be questioned whether those Laws of any of them can be taken away or superseded by any general Statute of the University. And this I do the rather question, because the University hath in former Statutes shown it self very tender of the infringement of the particular Statutes or Customs of private Colledges; as appears by the last clause of a Statute *de expulsis in aliud Collegium non recipiendis*, which Statute though in it self most rational, and fit to have a binding power over all, yet did not the University think fit to pass it without this additional *Salvo, Nec; intendimus per præsens Statutum, Statutis,* "*Constitutionibus, Compositionibus cæterisq; Collegiorum, in aliud* "*derogare.*" Nor is it our meaning by this present Statute to de-"rogate ought from the Statutes, Constitutions, and other Com-"positions of particular Colledges.

Besides, it hath formerly been the declared Opinion of some of the wisest of our University, that the Vice-chancellor, who is our chief Officer in the Government of the University, cannot exercise his Jurisdiction within the walls of a private Colledg.

Now it seems irrational to think that the Universities Statutes should claim a Power paramount to the local Statutes of those places, where yet the chief Officer entrusted with the execution of those Laws that lay claim to this supremacy, can find no entrance.

2. Our

2. Our Colledg Statute is of a far ancienter ſtanding then this Univerſity Statute; and therefore though this of the Univerſity ſeems to thwart it, yet being made without any clauſe of a *non obſtante*, the Colledg Statute lies unrepealed, and therefore in full force, eſpecially our Colledg Statutes being revis'd and confirmed at the ſame time with the Univerſity Statutes, and by the ſame Viſitors, as I ſhall, if it be thought needful, make it appear.

3. This Statute is none of our ancient Statutes of the Univerſity, but one of very late ſtanding, no ancienter then the tenth year of Queen *Elizabeths* Raign, for in all our Statutes till that time (as I am well able to ſay, having lately ſearched the Proctors book to that purpoſe) there appears no footſtep of it; nay not in the firſt new model of our Statutes which was made *primo Elizabethæ*. For our Reformers being then but newly come out of the furnace of the Marian perſecution, were not yet mounted to that height of ambition: but about ten years after growing warmer and fatter in their great preferments, the Heads of Colledges did its likely upon plea, that our Univerſity-ſtatutes were not enough refin'd from Popery, & that new Diſeaſes ſtood in need of new Remedies, got a revivall of the commiſſion granted formerly *primo Elizabethæ* for another new modelling of them, in which though for pomps ſake the Commiſſioners appointed for that work were ſome of them, as *Cecil*, *Cook*, and *Haddon* of the Queens privy Councel; yet the reſt of them being Doctors of Law, Phyſick, and Divinity, and two of them Divinity Profeſſors of the Univerſity, no man that is not blind, and knows not how little leiſure thoſe greater Stateſmen had to labyrinth their brains with all the tedious *anfractus* of that Theory, but will ſay that the main Engines, and the very both *prima & ſecunda mobilia* in this laſt new Model were the Heads of Colledges alone; and they having now gotten this ample power into their own hands, did, together with the publick Reformation, cunningly interweave their own private advancement; and in purging us of Popery, did, like thoſe *Medicamenta maledicta*, emunge the body of the Univerſity of ſome of their moſt eſſentiall and fundamentall priviledges;

As for example,

The

The choise of a Vice-Chancellor, which was before in the whole body of Regents, they got in this Reformation a Monopoly of it to themselves, so as the body of the University hath only left them a bare superficies of election, but the substance they got into their own hands; for by this new Reformation, they got themselves the nomination of two, one of which the University is necessitated to elect, and if they doubted of him, whom they desir'd to have elected, 'twas but nominating some one distasted or contemn'd man for a stale, and then they were sure to carry it for such one of those two nominated, as they should think fittest.

2. Another great privilege, whereof they depriv'd the Body of the University, was the interpretation of Statutes, which before entrepe in a few cases, was as well as the making of Statutes in the body of the University; but in this new Modell, the heads got a Monopoly of it intirely to themselves.

And if I mistake not that strange Statute of the *Caput Senatus*, consisting of the Vice-Chancellor, and five others chosen by the heads of Colledges, and the two Scrutators out of fifteen persons nominated by the Vice-Chancellor, and Proctors, and all this without the least advice or privity of either of the two Houses, and these five men entrusted, every one with more then a Negative voice (for nothing, be it never so just or necessary to the common good, or of particular persons, can be so much as propounded to the Houses, till every single man of these hath given his positive consent) is of the same date. If but one of these deny, though giving no reason, the concurring voices of the Vice-Chancellor, and the other four are of no force, the motion is stifled in the very cradle, a thing of not rare practise among us; Now this Statute, if considered in its full latitude, will, I think, be found of no longer standing then that new model. Something there was of a like nature before, but if compared with this, will be found vastly different: For that had for its object onely *compositiones & formam*, but this, Concessions of all natures: in that the negative was in three, here in any one.

And lastly, to fill up the measure of their iniquity, they did likewise as much as in them lay, defraud those Societies, where the Founders had inricht them with that unvaluable treasure, of their precious

precious liberties; and with their ſpoyls, ſacrific'd to their own ambition, made every Maſter of a Colledge an abſolute Monarch, and the Societies their Vaſſals.

Thus miſerably were the poor Fellows of Colledges deluded and oppreſſed; but to complain was no boot.

Theſe mens potency at Court was ſuch, and ſuch was the reverend eſteem had of them there, that to have ſpoken ought in derogation of them, or their proceedings, would have been deemed blaſphemy, but eſpecialy for one of no higher condition, then a Fellow of a Colledge to have appear'd in publick in his Ruſſet-Coat againſt theſe grand ſilken Rabbies, had been to have expos'd himſelf only to laughter or ruine.

But the Court-prerogative, the root of all theſe oppreſſions being now dig'd up, theſe excrementitious branches will, I hope, be thought fit to be removed with it: beſides nature teaches us, that each evill is beſt cured by its contrary: therefore it having been laid open clearly before you, how the Monarchs connivence at the fraud and corruption of its Repreſentatives was the cauſe of this diſtemper'd mutation. We hope for cure from the vigilant ſincerity of our true Republical-Magiſtrates, by the anulment, if need be, of that Statute, and reſtauration of each Colledge to at leaſt that ancient wholeſome *Craſis* of Liberty it was created in by its firſt Founder.

I ſpeak not this to caſt any the leaſt prejudice upon that good work of Reformation in Religion, for which I cannot but ſay the Nation owes much thanks to the endeavours of all thoſe Reverend Divines, that were ſo happy inſtruments in it. But we ſee the experience of that proverbial ſentence, *Nullum magnum ingenium ſine mixtura inſaniæ.* The beſt of men are but men. This whole World, and the heart of every man in it, is nought elſe but a Champaigne, where good and evill, light and darkneſs, contend for victory; and ſo where God hath his Church, the Devill will erect his Chappel as a Fort to lay battery againſt it. So in all Reformations the greateſt inſtruments in it will alwayes (if they be not by themſelves, or others narrowly look't to) carry on ſome deſign of their own private, an attendant at leaſt, if not corrivall to that of the publick. Beſides we know how the people of God,

who

who immediatly upon their deliverance from *Pharaoh*, and the Red-Sea, did nothing, but in humility of heart, worship and sing praises to God their Deliverer, were observ'd afterwards upon a little prosperity to have forgotten God, to have waxen fat and kick'd. And of our Reformers, about that *Decade*, it may justly be question'd, Whether their zeal in preserving the Reformation begun, were more to be commended, or their ambition in obstructing its further progress and perfection to be condemn'd.

But above all I desire to be understood, not to intend any the least reflection of blame upon those reverend Gentlemen and Ministers, the present Heads of Colledges in our University, for as they had no hand in procuring of those incroachments, so neither that I know of, have they ever made ill use of that power which their Predecessors ambition had purchas'd to their hands: For though they have, by the last Statute I told you of, the full power of interpretation of Statutes within themselves, and there was a time, when they might have used it with applause, in that excellent interpretation of our University Oaths, whereby mens consciences, indanger'd to perjury upon every penal statute, were much eas'd, yet to my best remembrance, they did not assume to themselves, but yielded to the whole body of the University the honour of alleviating this grievance.

Nay this I must needs say, to the honour of all those Heads of other Colledges, except our own, that I conceive 'tis nothing but their honest and prudent carriage in their several charges, which is the cause that none of the University (none having the like particular cause of complaint) appear as yet in this cause to desire those provisions against Tyranny, petition'd for in our Colledge. For 'tis not evils in *posse*, though of the neareſt probability, but those in *esse* that stir up the generality of men to the invention of remedies. In other Colledges where the Masters have by statute or custome a negative voyce, yet they have chosen rather to wave sometimes their own, not interest onely, but judgment too, then make use of it, and in the very propositions of questions to be swayed by the publick reason of their Societies.

And

And if our Head had behav'd himſelf with the like candor and moderation in his truſt you had not I think been troubled with theſe tedious diſputes at this day: but our Head though, as you have heard, denyed a negative voice by our Law-giver, will yet uſurp it, propounding onely what he pleaſes himſelf, and after the vote paſt, following his own, not the common prudence of the Society, as ſhall be amply proved (if need be) in its proper place. Beſides, we having in the general courſe of this mans Government, obſerv'd nothing of a publike Spirit, ayming at the common good, but rather a conſtant tenor of cloſe diſſimulation and greedy intentiveneſs upon all advantages of not onely holding faſt in every punctillo, but advancing ſtill further, the grand intereſt of his power and profit; and that as far as humane wit could gueſs of mans heart by its fruits, the two great poles of his whole revolution were dominion and covetouſneſs (of which upon many ſiniſter dealings of his, there's not three men of all our Society that have been the conſtant obſervers of his Colledge-tranſactions this ſeaven years but have at one time or other expreſt their deep reſentment) this is that has occaſion'd this extraordinary petition for a juſt reſtraint of this exorbitancy of an aſſum'd power within thoſe bounds our Law-givers wiſdom had preſcribed to it, with ſome concurrent helps for the ſurer execution of his declared will: "*Ex malis moribus ortæ ſunt bonæ leges.* 'Tis the greateſt glory of good magiſtrates, that they can, in imitation of him whoſe image they bear, bring forth good out of evil, light out of darkneſs; and like the Sun in the Firmament, produce good Laws out of an equivocal brood of corrupt manners.

Theſe things I thought it convenient by way of diverſion to ſuggeſt, not that the cauſe ſtands in need of it, but onely to open your eys, that you might ſee how this Antichriſtian myſtery of the negative voice began its working betimes, even neer the Apoſtolick dayes of Reformation.

For to the very letter of the Statute as it ſtands, I am not without a very ſatisfactory anſwer.

For it ſays not poſitively, that all Conceſſions, Elections, *&c.* ſhall be Null which want the Prefects conſent; but that in all Elections, Conceſſions, *&c.* the Prefects conſent is neceſſarily to be required. Now we know that that word is of the ſame nature with *Poſtulo* in Latin, and ſo implies rather that the Prefects conſent is to be required

of him *de jure*, as a right, [illegible]g'd as an act of grace, as if the Societies consent without [illegible] *Le Roy le veült* were of no force.

And this answer in these times wherein all Statutes ought to be interpreted in favour of liberty, as they were formerly in favour of Prerogative, might alone suffice. But I shall add another of more convincing evidence; Which is this.

That granting the intent of this Statute was to make the Masters consent a necessary ingredient to the composition of each Election or Concession, *&c.* yet it absolves them not from that obliging power which lies upon them by any of their local Statutes to consent to what is advis'd by the major part of their Societies, but that by refusal of such consent they incur the guilt of perjury and breach of trust, or such other penalty as their Founders providence hath allotted for the establishment of that Law; and therefore this obligation to consent remaining still in full force, supposes in the major part the Prefects consent legally involv'd and included.

As to compare the greater with our smaller controversies, the Kings consent was always suppos'd to be legally included in the major vote even of the most petit Tribunal, much more of the grand Judicatory of the whole Nation, though never so much personally dissenting: which principle hath been always esteem'd one of the main pillars of our cause upon which alone we might lay the whole streis of not onely the justice and lawfulness, but even legality of our war. But this man who no doubt hath more then once with our once-Brethren of *Scotland* voted the King a man of blood, and guilty of all the bloodshed of this war, for endeavouring but to assert this power to himself (though far more favoured by the the standing Laws of the Kingdom at that time, then with us by our Statute) yet hath not scrupled to do the same thing himself, both in his particular practice in the Colledge, and by his appearance here with all his interest and wit to maintain this prerogative.

But to return to the point.

This point having been fully clear'd up to you out of our local Statute, that our Master is bound to consent to the vote of the major part, that expression of the University-Statute will now I hope create no prejudice.

And this answer may likewise satisfie another argument for the negative voice, which may possibly be drawn from our Statute of Elections, which requires *Consensum Magistri, & majoris partis*

sociorum

ſociorum, and ſome others running in the ſame ſtrain. For the true ſence of that Statute *de ardiis* being now fully clear'd, makes it apparent, that in the conſent of the major part of the Society, the Maſters conſent always is or ought to be included.

And now having I hope removed all doubts and objections, I ſhall now deſire leave to ſpeak a word to my ſixth motive for granting my Petition, *viz.* the danger leſt this root of corruption left among us, ſhould hence ſpread it ſelf again to infect the whole Nation. This I confeſs may ſeem at firſt ſight but a meer flouriſh of Rhetorick, or far-fetcht ſtrain of melancholy; but I ſhall make it appear, there's much of reality in the aſſertion.

'Tis an humour you all know the moſt of mankind are much incident to, to labour the promotion and propagation of the forms, opinions, and cuſtomes of thoſe places where they live, eſpecially where they have been train'd up in their younger years; and therefore it was the policy of the contrivers of our former Government (as knowing that that Government could never be durable which had not its image ſtampt upon the peoples affections) to ſet up the image of that univerſal Government of the State in every petty combination of men. Hence as a reflected image of the then-preſent Government by King and Councel, King and Lords, or King and Parliament, was ſet up that Government of Corporations by Maior and Aldermen, Dean & Chapter, Maſter and Fellows, and in Corporations, Maſters and Wardens of particular Companies; all which were nothing but the general frame of the State-Government contracted as to the matter onely into a narrower compaſs; and this was that that fixt the love of Monarchy ſo faſt in the affections of moſt Corporations, that had it not been that the King had diſpleaſed ſome of the greateſt of them by hard impoſitions upon them in way of their Trade, and withall let looſe his Biſhops to exerciſe their tyranny in trampling upon the faces of their reverenc'd Miniſters, they had never been brought off to draw ſword againſt their Prototype; and after they had done it, its obſervable how prone the great ones among them were often to defection, and how zealous in ſhewing their diſtaſte at the removall of that great Idol; of all which the King was very ſagaciouſly ſenſible in the beginning of theſe wars, when in a propoſal of his to part with the Militia upon ſome proviſoes, yet would by no means conſent to take the Militia's of Corporations out of their own hands: yet were not the Chiefs of thoſe Corporations ſuch perfect images of Monarchy, as

ours, either for power, or durance; those were indeed but shadows of it; but ours, in regard of their continuance in trust during the term of their lives, were its living images, wanting nothing but an establishment of it in their posterity, which yet they bid fair for too, when in that new *Elizabeth*-Reformation wherein they did in a positive inhibition of Fellows from Marriage handsomely imply a leave indulg'd to themselves.

But it may be some will look at this Argument as a great Mallet lifted up to kill a Fly: Our Corporations you will say are small, and inconsiderable, a meer Synedrion of young Youths, or handfulls of poor contemplative men systeem'd up for Orders sake into the form of a Corporation; what good or ill can redound from these to the whole Nation?

But I shall easily make this appear to be a misprision, and that there will be more and greater danger from neglect to remedy this evil in our smaller bodies, then from the most populous City of the whole Nation.

For our Corporations, though but small in bulk, are like those grains of Mustard-seed our Saviour speaks of, of a vast, comprehensive, and multiplying capacity. The members of those great Corporations are men it's true of abler purses, and stronger bodies for the present State-service; but their abilities are confin'd all within the narrow bounds of their own territory; but ours are Seminaries of able wits which are sent to us from all parts of the Nation, in the very nick of their first emersion from the slavery of the Ferula into a state of liberty, at the first putting on of their considering caps, they being as yet *abrasa tabula*, smooth tables, prepar'd to receive of us those tinctures of good or bad principles; with which impressions stampt upon them, they afterwards spread themselves into every corner and quarter, to leaven the whole Nation. No man educated among us, but goes away instructed for some publike trust but is in capacity, to be an *Abraham*, a Father of many Nations.

Therefore it concerns you very deeply, who desire not by arms only, but by principles, to root up Regality, and mold the Nation into a true Commonwealth-frame, to pull down (by taking away its destructive power) this image of it in those Fountains of Youths education, lest the youth of the Nation coming in their souls choicest pregnancy to drink of our waters, enamour'd of that idoll, conceive and

bring

bring forth its Antitype, as heir male to their ſtrongeſt affections and endeavors, to be promoted again to its loſt inheritance, when time and opportunity ſhall ſerve.

And for the ſame reaſon does it deeply concern you to take ſpecial care of the Society of Colledges, and not give away Fellowſhips, being you ſee places, though of ſmall profit, yet of high truſt to every begger that comes to you with a formal Certificate, much leſs to confer theſe high truſts upon Samaritans and meer ſlaviſh compliers, but eſpecially to tender their precious liberties as the apple of your eye, to which nothing can be more inconſiſtent, then a negative voyce plac'd in any one man; for let any of the Society approve himſelf never ſo active and induſtrious in promoting the Colledge good, and with his utmoſt pains and skill train up his Pupils to the moſt eminent proficiency in piety and learning, yet if he will not flatter, and fawn, crowch and cringe, and comply with this one great Monarch, even to a betraying of the common Freedome to his corrupt ends of pride or covetouſneſs, he lives an unſerviceable man, and all thoſe educated under his charge are put into an impoſſibility of ever attaining that preferment their deſerts ſhall make them capable of. Though the whole community, or far greater part, judge them worthy of it, one mans *non placet* ſhall blaſt all: and how great a temptation this will be even to ſome not diſ-ingenuous men (being not willing to expoſe thoſe under their truſt to contempt and beggery) to worſhip the Image of that great beaſt, I leave to your wiſdoms to judge; as likewiſe, whether ſuch an impreſſion of ſlavery fixt upon the ſpirits of Fellows of Colledges, be not like to impreſs its counterfeit upon thoſe educated under their truſt, and by their means upon the greateſt part of the Nation.

Another motive giue me leave to preſent you with, which though omitted in my Petition, is of great conſequence, being drawn from the principles of univerſal reaſon, which will ſay, that every particular mans intereſt of the Society being every way equal to that of the Maſter, nay in ſome reſpects far greater, (for the Maſter is but one ſingle perſon; but every Fellow having pupils under his charge, is a kind of Corporation by himſelf) 'tis a thing contrary to common ſenſe that his one voyce ſhould be laid in the balance to overſway the major part of the Society.

There was once a cuſtome in ſome Corporations (of which our ſelves have yet in our Colledge ſome ſhadows left) that not the Warden

den or Master onely, but every single man of the Society had a negative voyce, which upon this very ground, as contrary to the common Law of the Land, *i.e.* to common Reason, was taken away by an Act of Parliament, 33. *H.* 8. onely I conceive in tenderness to the Prerogatives of Monarchy, much favour'd throughout the whole body of our Laws, the Statute was so pen'd, that the Maior, Master or Warden had his Negative left him; but now we have no Monarchy, whose priviledges we ought to be tender of, and there's every way the same reason, nay far more, for devesting the single Warden of his Negative, then for taking it away from so many members conjunctive, as may amount to neer the half of the Society.

One word more I desire to add as an inforcement of my Petition, that of all Masters of Colledges in the Town, there's least reason the Master of our Colledge should claim to himself this grand Prerogative of a Negative voyce; for the whole burden of the Colledge-government hath for all these seven years layed wholly upon the shoulders of the President and Fellows.

The Master hath held his place now for about seven years, yet he hath never once that I know of resided among us for six weeks, nay not one moneth, seldome above a fortnight together at one time; hath seldome or never visited us, but either when he was necessitated to it, either to supply his course in the University-Church, or to audit our Accounts, and receive his money: All his short visits put together for this whole seven years, will not mount to one years continuance.

For which prodigious absence of his from his charge, all he can say is onely his being Benefic'd in *London*, or an Assembly-man, or that he hath been employed in Colledge-affairs.

Now for Colledge-affairs, in those we have, it's true, made some small use of his being at *London*, but never impow'red him to reside at *London* for that purpose; nor was there need; for nothing was ever done by him, which a common Solliciter for a small fee would not have performed as well, or better, especially being sufficiently furnisht with his instructions or Letters to Councel at Law, or such great men as were to have addresses made to them in cases of need.

And for his Benefice and Assembly-man-ship, there's no reason either of them should be a protection to save him from an Arrest for that debt of Residence he owes the Colledge, from whence he has had so considerable subsistence; for one of them being a place (by com-

mon

mon fame) of one, if not two hundred pounds a year, the other of four ſhillings a day, it ſeems not very reaſonable, that one ſo againſt Pluralities, ſhould enjoy the revenue of all three places, and bear the burden but of two. For he hath all this time of his diſcontinuance laid in a manner the whole burden of his Colledge-Office upon the Preſidents back, not allowing him for his pains ſo much as one peny.

Beſides it may be anſwered that all the other Maſters of Colledges, who yet were many of them Aſſembly-men as well as he, have been far more conſtant continuers at their reſpective charges, and have ſome of them as I think relinquiſh't conſiderable Benefices they were poſſeſt of otherwhere, that they might the more ſolely attend their charges at *Cambridge*: And I'm ſure ours hath not wanted all the encouragement we could give him to enable him to it, having out of our common poverty conniv'd ever ſince our coming to the Colledge at his taking a double portion of our Dividend though neither allowed him by our Statute, nor any conſtant Preſident beyond the ſecond year of Doctor *Coſens* his time.

Now that this man who is apparently of no uſe to the Colledge, whoſe ſervant he ſhould be by the conſtitution, but reſides at *London* afar off, making uſe of the Colledge onely as a prey, and his title onely as a hook to draw power and profit to himſelf, knowing little but by hearſay of the ſufficiency or inſufficiency, good or ill behaviour of each member of the Colledge, ſhould be thought fit to have a power ſuperior to the Society, who to their great charge reſide upon the place, and bear the whole burden, 'tis a thing beyond the comprehenſion of a vulgar underſtanding.

I have now done with all my motives.

As to the Prayer of the Petition: having ſo amply expreſs'd my mind in it, I need not add much by way of Expoſition or Apology.

Onely this:

'Tis not, as ſome may perhaps ſuggeſt, a fancie or new Model of my own brain, but 'tis a Model approv'd of in a parallel caſe by the reaſon of the whole Nations Repreſentative. It concerns every member of this honourable Aſſembly more then my ſelf to make it good; for 'tis nothing elſe from point to point, but a Series of ſuch particulars as the wiſdom of the whole Parliament judg'd neceſſary for the circumſtantiating that freedom which the City of *London* were debarr'd of thorough the like want of proviſion in their Law: change but the name of *London* for *Peter-houſe*, ten of their numerous

Common-

Common-Councel for two of our ſeaven Seniors, and their [at any time] for our within 48 hours, and this draught will prove wholly the ſame with that Act of Parliament.

Nor could leſs have been well deſired for taking away that hurtful Prerogative I diſpute againſt, which is not the bare name of a negative voice, but the ſubſtance, *viz.* that ſupremacy of power, which our chief Officer claims above the whole or major part of the Community, which is of a Complex nature, and conſiſts of theſe three powers, *viz.* Of calling of meetings. 2. Of propoſing of queſtions. 3. Of acting the reſults of thoſe meetings. Any one of which three powers remaining in the chief Officer, makes him as abſolute as if inveſted with all three; and therefore the Parliament ſaw well in the City of *Londons* caſe, that for the removal of that great evil, an eſtabliſhment of all theſe particulars was of abſolute neceſſity.

For to return to our former parallel, grant but to our once-chief Officer of State the ſole power of calling Parliaments, and binding them up to thoſe queſtions onely which he ſhall think fit to propoſe, he'l not much deſire or ſtand in need of a negative voice, ſeeing he is able by either of thoſe two former powers, to cruſh in the egg any motion which he ſuſpects may in the leaſt infringe his prerogative, or other corruptions.

So in our leſſer Commonwealth, though you ſhould grant or declare in general terms that the Maſter ſhall have no negative voice, and leave him but this power (for want of proviſion to the contrary) that by delay of meetings when moſt neceſſary, or by making himſelf judge of that neceſſity, or in thoſe meetings by refuſing ſuch queſtions as he likes not, he can keep us from ever coming to a voicing, or if after voicing he may refuſe or delay to act our determinations, and yet neither he liable to a ſufficient penalty for any of thoſe refuſals, nor we through the defect in our Statute inabled to meet, debate, or act any thing without him, he is an abſolute Monarch, and has a moſt firm poſſeſſion of a negative in reality, however denyed him in words. And for this reaſon it was that I have been ſo bold in the prayer of my petitions to be ſo punctually particular.

Now if any man object that theſe things granted would be a cauſe of much tumult, and factious diſorders in our Colledge: I anſwer; The experience of the ſame in the City of *London* ſhows the quite contrary, where 'tis apparent nothing but the ſweeteſt ſtreams of unity, freedom and peace have iſſued out of this fountain:

For

For it lies onely as a dormant proviſo, like the *major excommunicatio* of the Presbytery, *in terrorem*, never like to be put into Act, except in caſes of unheard-of obſtinancie. Whereas on the contrary the want of this proviſion has been the original of all our diviſions: nothing being the more natural fountain of contention amongſt men or bodies politick, then the want of certain bounds aſſign'd to each man or bodies proprietie; which made the wiſe Law-giver *Moſes* to denounce ſuch a fearful curſe upon the remover of Land-marks, and religious *Numa* to place *Terminus* the God of boundaries among his principal deities, and to erect him him a Temple, as I remember, next adjoyning to that of Concord.

As for the laſt clauſe, which concerns Maſters and Preſidents abſence, 'tis not onely almoſt the ſame with that in the Act for *London*, but was moreover a proviſo fitted more eſpecially to the preſent conſtitution of our Colledge, which hath oft ſtood in great need of it, as I could inſtance in caſes of Conſiderable conſequence.

And beſides that the making of ſome ſuch proviſion is a thing moſt agreeable to our founders will, who ſays expreſly that the Colledge ſhould not *defenſare, & rectore carere*, the thing I aym'd at in this propoſal was the Preſidents eaſe and the Colledges convenience: for as I told you before, the Maſter being almoſt a conſtant non-reſident, and having power by Statute to make Preſident whom he pleaſes (which preſident is charg'd with the whole burden of his office) it will oft happen that this Preſident muſt either neceſſarily infer much prejudice in ſome affairs of his own requiring his preſence otherwhere, or the Colledge ſuffer much detriment for want of power to act as a living body in caſes of emergent need. For that our Colledge-debates ſhould be packeted up to *London* to a man ſitting there in his *regalia*, and looking at us afar off, or that the life of our aſſemblies ſhould be derived from the ſpirit ſent from *London* in a cloth-bag, is a thing diſagreeable to common equity, and a flat contradiction to our Founders declared will.

All I have to ſay further, is, that in this draught of my Petition, however diſpleaſing to our Reverend Maſter, I have had no ayms at his prejudice further then was of abſolute neceſſity to ſtate our freedoms, and vindicate them from his unjuſt uſurpations. If I have herein prejudic'd any, 'tis rather the Society, by allowing the Maſter ſo much as an affirmative voice, which ſome of us are of opinion that by our Statutes, if well underſtood, he cannot lay claim to. But being deſirous in this matter to walk in an indifferent way, giving each

their reasonable due, and to follow close not mine own, but rather the publike wisdom of the Parliament for my pattern; I doubt not of finding from them an easie pardon of my errors.

I have now done with the Petition.

There was one motive for its enforcement refer'd to the last place, which was by shewing how the Master of our Colledge for want of these provisions here petition'd for, had debar'd us of our manifest rights of treating in a Colledge-way about some affairs secretly concerning the common good, and of having our Resolves put into due execution: And how both particular members, and the whole Colledge had suffer'd much prejudice by those his usurpations, which because I thought he might possibly deny, 'twas for this cause chiefly, that I troubled these Gentlemen of our Society to make their appearance before you. These being they, who (except our President, and one of our Deans left at home for the necessary affairs of our Colledge) make up the whole number of those now resident, who having been present at all our former and later transactions, are best able to bear witness to those particulars I shall instance in.

Yet because I have I think already both overwearied your patience, and laid before you reasons enough of far greater consequence for the enforcement of my Petition, my desire is that there may rather be a perpetual Amnesty of all our forepast grievances, and that our liberties may be so setled for the future, as each part knowing their due bounds, a true Christian amity may be preserv'd among us, and this honourable Committee freed from further trouble. And therefore except this honourable Assembly, or our reverend Master for the Vindication of his own repute, shall impose that task upon me, I shall wave this Argument, and leave it to your wisdom to judge what has been already spoken.

Onely to his Argument for the negative voice in such particular cases wherein he is appointed to consult with the Deans onely, I can onely say, that 'twas not the prime Statute, but an interpretation of Statute made many years after by a single Bishop of *Ely*, which endowed the Master with this Prerogative. And it being besides against the principles of Common freedom that an Officer constituted for term of life should have this vast pre-eminence of two of the greatest Colledge-Officers annually Elected to their trusts. I shall in this following Petition which I here present you with as an appendix to my former, crave the assistance of your authority for the solution of this knot.

To

To the Honourable the Committee for the Reformation of the UNIVERSITIES.

The humble Petition of *Charles Hotham* Fellow of *Peter-House*,

Sheweth,

THat whereas by our Colledge-Statutes there are about twenty particular cases in which the judgement belongs not to the whole Society, but either to the Master and 5 or 6 Seniors, or to the Master and Deans alone, and that in all cases wherein the Master and Deans are solely trusted, being many of them cases of great concernment, the Master had by an interpretation made by a Bishop of Ely *betwixt one and two hundred years after the foundation, a Negative voice confer'd upon him, which however agreeable to the policy of those times, is contrary to the principles and grounds of our present Reformation, and establishment of this Nation in form of a Commonwealth, and much prejudicial to the good and welfare of the whole Colledge.*

Your Petitioner doth further pray that the Negative voice of one man in all our Assemblies may be taken away root and branch, and that in all Elections and consultations whatsoever of the Master with the Fellows, Seniors, Deans, Bursars, or any other, the determination of the major part of those who have voices in that Election or consultation, may be acquiesced in as the Act of that Assembly.

And your Petitioner, with the whole Colledge, shall ever pray, *&c.*

This last clause and Petition concerning the Master and Deans were, though here inserted, yet forgotten to be delivered to the Committee.

My Argument ended, the Master made a long reply, the punctual repetition of which I must leave to his own memory and pen. It touch'd nothing upon any material point of my Argument, But was rather a descant upon my Petition, with some recriminations consisting to my best remembrance of these heads.

That he had assum'd no power that was not his own by Statute: as was the calling of meetings, *&c.*

That he had never shown any averseness from meetings, nor ever dissolv'd any, but when the time itself dissolved them.

That 'its true he had propounded questions according to his own sence, but offer'd to others the same liberty of propounding questions in their's.

That we must distinguish between the Major part of the whole Society, and the Major part of those present, which sometimes being but few in number, were not fit to make Acts obligatory to the whole Colledge.

That the Fellows were the onely men averse from Meetings, whom he could not easily get together, but when there was some Lease to be let, &c.

That the party Complainant was himself, though Deane, absent from the last anniversary meeting appointed for reading the Statutes.

That in the clause inserted in his Petition concerning the Senior Fellow's being President, he aym'd at his own promotion, being the next Senior himself, and so desirous of this power that in his or the Presidents absence he might assemble the Fellows about the making of new Models of Government.

This was to my best memory the sum of his reply. To which it might easily have been answered.

That this suggestion of my seeking the Presidentship for my self, was a most groundless scandal, It never having hapned all this seaven years above twice that I know of, that my self was the Senior Fellow resident, which lasted but for a few days neither.

Besides, the Office being a vast burthen, and nothing in it desirable to such eye of ambition or covetousness as he (measuring others by himself) suppos'd in me, nor my self in any probability of intermedling with that Office, being (contrary to his allegation) neither the first nor second Senior of the Colledge, both which, with the Master, must be all three absent, before I could be in capacity to act, and that for some longer time then ever yet had been, else no danger of attempting, much less of perfecting any new Model, especially there being but two times a year, wherein the Colledge is enabled to make new, or interpret old Statutes.

For my absence. That 'twas not about any private pleasure or business of mine own, but was solely to seek a removal, and hinder the further progress of those evils brought upon the Colledge by his fraud and breach of trust, and those large opportunities he has had of acting those treacheries by his own constant residence at *London*, and his Procter with the reverend Beard standing always at the Committees elbows, and being admitted (when all others are withdrawn) to their private debates, and to speak in some cases when those most concern'd cannot come in to answer, in which though by reason of those vast disadvantages I have been unsuccessful, yet I esteem'd both my expence of time and pains, and the double my Colledge-revenue well imployed in the endeavour.

That

That his distinction of the major part of the whole Society, and those present, was a piece of empty Sophistry, himself well knowing, there was never yet since our first coming to the Colledge (which is now almost seven years) a full meeting of the whole number of Master and Fellows together, nor can there well be, by reason of sickness, business, or travel allow'd of by Statute, perpetually occasioning some two or three mens absence; so that if he may be allowed this *salvo* for his Negative, he will never want one who shall be absent for his sake.

Besides, he always esteem'd the major part of those present, though not the whole, valid Society enough to bind the Colledge where himself was present and consenting; an evident sign, 'tis his own onely consent, not the number of those absent or present he chiefly values.

That his accusation of the Fellows as slack in coming to meetings, except in cases of Leases, *&c.* was a groundless scandal, of which fault himself was onely guilty, having at those great *semestrian* meetings appointed for reading, and considering Statutes, been but twice, or at most, thrice present, during all the time of his Mastership, and particularly in the last great meeting, to which he summon'd all the Fellows, he staid not the reading out of one third part of the Statutes; nor indeed could ever be got from *London* to any Colledge-meeting, but when his quarterly course in preaching, or auditing the Accounts (being alwayes suspicious of the denial of his double Dividend at those times) enforc'd his presence.

That he hath been sometimes, when there was great cause of meeting, neer a fourtnight together, not calling any meeting till just a day or two at most before his departure, whereby himself was eas'd, and the President wholly charg'd with the cares of such businesses as should have been then dispatcht by himself.

That in meetings it has been observably his custome when he had a mind to dispatch a business indeed, to sit him down, and call us formally to the table, and to cut out his work for the debate with all dexterity and expedition.

But when a business was to come on which he lik'd not, then to let us alone by the fire, or to leave his Chair, and us, to dispute at random, otherwhile to spin out the time with us in discourses of lesser affaires; or if prest to come home to the main business, then to fall a shuffling, and cutting, and winding us from the point by some non-significant, or dividing questions, of which Artifices he hath oft shown himself a well-skill'd Architect.

And

And for propounding of questions his duty is, after the laying open before us the businesses he hath to acquaint us with, not to lean upon his own prudence in proposing to us like School-boyes such questions as himself onely shall think fit, but to begin that main point of the scrutiny rul'd by the advice of the whole or major part of the Society.

And therefore what he acknowledges, *viz.* that he did take upon him in the first place to propound questions of his own sence, was a great usurpation; but that he gave others the like liberty, is an Apologie nothing to the purpose; for our Statute appropriating it to the Masters Office, to ask the Fellows advice, if any other do it but he, it renders the whole vote of the Society a meer nullity: Now it's true, the Master once at a meeting, when one excepted against some litigious questions of his propounding against the sence of the Society promised he would afterwards propound those questions he had nam'd, *interminis*, but when it came to the point, told the party, he might now propound those questions himself, if he pleased, (which he knew well had been been a thing illegal and void) but refus'd utterly in pursuance of his promise and duty to propound them himself.

These things I know will to a superficial view seem but inconsiderable brangles; but to men of piercing judgements, and well vers'd in Parliamentary debates, that see daily what a King the Speaker would be, if solely intrusted with this Prerogative above the Parliament; and how great a weight of business is oft turn'd upon the hinge of one small punctillo, in the stating of a question; these things cannot but appear of high concernment.

Yet I had very many materials of a much higher nature to charge him with, which being provok'd by his challenge, I was then as I told the Committee, ready to produce, having for witnesses most of the senior Fellows then present before them to make them good. But as I was just entring upon that task, a worthy member of the Committee propounded it as a question to be first debated by themselves, whether they should single out the point of Statute to be determined, as they should see just upon weighing the Arguments of both parties laid before them in theory, or take in with it the consideration of the practick, consisting of personal charge. Another Gentleman seconding him, propounded likewise as fit to be considered, whether they would admit of recriminations, which are like to be endless (each party still deeming himself oblig'd to reply and answer at large to each

each others, though non-pertinent objections) or rather as the firſt Gentleman propounded, would fall ſingly upon the point of Theory. This motion the whole Aſſembly ſeem'd to aſſent to; ſo according to the cuſtome of the Committee we were commanded to withdraw, and the doors ſhut. The product of the private debate was this.

April 10. 1651.

At the Committee for Reformation of the Univerſities.

Reſolved,

That a view be taken of the ſeveral Statutes of the Univerſities, and the Colledges and Halls therein reſpectively, to the end that they may be reduced to ſuch a State as may render them moſt conducing to the advancement of true piety, and the intereſt of a Commonwealth.

Reſolved,

That *Mr. Rous*, *Mr. Martin*, *Mr. Moyle*, Sir *Hen. Mildmay*, *Mr. Oldſworth*, *Mr. Thomas Chaloner*, *Mr. James Chaloner*, *Mr. Palmer*, *Mr. R. Davis*, *Mr. Love*, *Mr. Nevill*, be a Sub-Committee for this purpoſe, and that any three or more of them do meet and conſider thereof, and make Report to this Committee from time to time concerning the ſame, as there ſhall be cauſe: and the care of this buſineſs is ſpecially referred to Mr. *Oldſworth*.

In purſuance of which reſolve, ſome of thoſe Gentlemen Members of this Sub-Committee have ſince met, and paſt this following Order.

April 25. 1651.

At the Sub-Committee for viewing the Statutes of the Univerſities.

THe Parliament having reſolved a thorow Reformation of the Univerſities, and the Committee appointed for that purpoſe in Order thereunto having taken the ſame into conſideration, do hereby deſire and require the reſpective Heads of Colledges, and thoſe Fellows that are intereſted in the Government thereof for the time being, to ſend up to this Committee true tranſcripts of the Statutes of the ſaid Colledges, examined and atteſted under their hands reſpectively; and they do ſpecially recommend it to the care of the ſaid Heads, Governours, and Officers, to conſider what Statutes or any parties thereof are prejudicial to Religion, Learning, good Manners, or the preſent Government; and further, whether there be any defects in the ſame, and to propoſe their opinions concerning the ſupplying of the ſaid defects; and that they give an account of the receipt hereof forthwith, and of their further proceedings concerning the ſame with all convenient ſpeed.

James Chaloner, *F. Rous*, *M. Oldſworth*.

The

The private buſineſs upon which at Doct or Seaman's *Motion the grand Petition was at firſt laid aſide; though indeed it nothing concerned it, yet is a ſtory worth the reading, and therefore take it as follows.*

WE had a Fellowſhip in our Colledge kept vacant for many years, as the Maſter pretended for the Colledge neceſſities, but as the Fellows well know, for the defrayment of his double Dividend; this Fellowſhip one Sr. *Conyers* Scholar of our Colledge obſerving the Committee had before in a parallel caſe, taken the diſpoſal of ſuch dormant vacancies into their own hands, petition'd to have confer'd upon upon him; whereupon the Committee ordered the Maſter and Seniors, or any two of them, to certifie the true ſtate of the caſe; which Order being read at a publike meeting, the Maſter was very urgent with the Society to certifie it as kept void for the Colledge-neceſſities; which the Fellows as not agreeable to truth, generally refuſed to do: ſo the Maſter (and one of the Society concurring with him ſo far) made onely this general return, that it had ever ſince our coming to the Colledge been kept vacant, but for juſt reaſons. But the Maſter alone makes another return, ſpecifying ſome particular reaſons, as namely a debt of above one hundred pounds owing to him by the Colledge. Upon which Allegations he made a large deſcant before the Committee; which ended,

I put in ſome exceptions in writing, detecting ſomewhat of his fraudulent dealing with the Colledge, and further added ſome inlargements as I remember to this effect.

1. That the Fellowſhip had not been kept vacant by any publike vote, nor for thoſe reaſons he produc'd.

2. As to the debt, that once in a meeting, knowing our ſtock behindhand, and we in an incapacity of diſburſing money, he preſs'd hard upon us for this debt, and took the advantage to ſay, that if we did not preſently pay, or clear him of it, he would be at liberty, if he pleas'd, to diſpoſe of the Lands as himſelf ſhould think good. And being anſwered, that the preſent Revenue of the Land would neer amount to the payment of moderate Intereſt for his money, and that for his ſecurity he ſhould have the Colledge-Seal, upon which one of the Society had formerly lent the Colledge a hundred pounds; he ſlighted all, and nothing would content him, but either the money preſently, or ſome of our particular Bonds, or the Land to be at his own diſpoſe. So we being in this ſtrait, my ſelf, to give ſome breathing-time to the buſineſs, preſently offered upon that very ſecurity, *viz.* the Colledge-Seal, which the Maſter had ſo unbeccmingly ſlighted, to lend the Colledge fifty pounds for ſome moneths, till we might think of ſome better way; and another, (I think 'twas Mr. *Quarles*) ſeconding me, offered the loan of forty pounds; which ninety pounds, together with another income then mentioned, would make up the whole debt. But the Maſter ſeeing his pretence of ſeiſing the Land to himſelf thus defeated, neither accepted our offer, nor ſpoke more of the buſineſs at that time.

And

And further, that this debt he now mentions as a plea for keeping void this Fellowſhip, was a meer pretence made uſe of for by-ends, might hence appear. That he had formerly in a Colledg-meeting twitted us again with this debt as a plea for keeping void another Fellowſhip againſt our common Conſent, yet gave way to his own man to defeat the Colledg of that Fellowſhip, not once appearing (though acquainted with his mans intentions) by Petition or otherwiſe in behalf of the Colledg right, which to have done was both the duty of his place, and his ſolemn promiſe before the Society, as many can * witneſs.

* *See two Letters annex'd to the later end of this Book.*

3ly. That the Biſhop of *Ely* himſelf, in whoſe power the Committee was to act as to this caſe, could not by our ſtatute give way to the keeping vacant any Fellowſhip without the deſire and Counſell of the Maſter and major part of the Fellowes; but here there appeared no deſire of ſo much as one of the Fellowes to have it kept longer vacant. But the Maſter did it alone of his own head, contrary to the ſenſe of the major part of the Society, and contrary to our expreſſe ſtatute, which ſayes the Maſter ſhould not headily rely upon his own wiſdome, but ſtand to the diſcretion of the major part.

To theſe things the Maſter having replied what he thought fit, we were commanded to withdraw, and the Committee being, it ſeems, ſenſible that the Fellowſhip being void by death was not theirs, but the Colledges right to diſpoſe of, made this following Order.

March the 27th. 1651.

At the Comittee for Reformation of the Univerſities.

Upon Reading the Petition of Mr. *Tobias Conyers* Bachelor of Arts and Scholer of *Peter houſe* in the Univerſity of *Cambridge*, together with the teſtimonials of him hereunto annex'd, and likewiſe the return of the Maſter, and one of the Fellows of the ſaid Colledg, concerning the vacancy of Mr. *Hanſcombs* Fellowſhip, and upon hearing Doctor *Seaman* and Mr. *Hotham* before the Committee; It is Ordered upon debate of the matter, that the Maſter, or Preſident and Fellowes of the ſaid Colledg, do forthwith proceed to election of a godly and learned Perſon into the place of the ſaid Mr. *Hanſcomb*, and that they give an accompt thereof to this Committee on this day fortnight.

James Chaloner.

The Colledg having received this Order, proceeded according to their uſuall form within eight daies, unto an election. The reſult of which was the election of Sr. *Conyers* into the ſaid vacancy; to which election the Preſident, and all the Fellowes were conſenting excepting only three juniors brought in lately by the Maſters intereſt at London, and who indeed according to our Colledg ſtatutes being in their ſtate of minority, and not out of their year of probation, ſhould have had no voices in the election; yet theſe three not agreeing, neither, in any one man for a competitor.

The reaſons moving the Society to the election of Sr *Conyers*, were theſe.

Firſt he was one in a ſpeciall manner deſign'd out to us for that preferment by our Colledg ſtatute both in regard of poverty, a thing generally favoured in al ſtatutes, and likewiſe in regard of his Country, our ſtatute allowing two Fellowſhips for each County, and but one of them ſupplied with men of his qualification, and this Fellowſhip belonging to the Northern diviſion, which we were bound in the firſt place to ſee ſupplied.

2ly. Our ſtatute commands us to chuſe the ableſt man we know of or can find out. Now Sr. *Conyers* was known to be one of the greateſt eminency for learning and parts in our whole Colledg, inſomuch, that though we had a generall order made ſome years ago for examination of ſuch as ſhould ſtand for Fellowſhips, yet was it unanimouſly agreed even by thoſe that diſſented from the election, that they were all ſo well ſatisfied of his learning and ſufficiency, as that the former order for examination might well be ſuſpended for that time, except ſome man ſhould declare to the Preſident his intent to ſtand as a Competitor againſt him, in which caſe there ſhould be an examination; but no man adventured upon the triall.

3ly. He was well known to us for the generall courſe of his life to be one of a pious and vertuous converſation; Excepting onely that once growing a little elated by a ſudden promotion, and falling acquainted with a malignant, he began to be a little ſeduced, in which time, (which was about two years ago,) 'twas his ill hap to be in the company of ſome Rakells of another Colledg, who drank the Kings health, and he with them: But for this fault with ſome concurring circumſtances, he did then receive moſt ſevere puniſhment every way anſwerable, if not greater then the offence. And for the

the malignant diſtemper, that held him not above two months; he was by his tutors and fathers Counſells ſoon reclaimed from it: and as his life had been before this one unhappy miſdemeanor, ſo was it all the time of his abode in the Colledg after, which was for above a year, exemplarily pious and vertuous. And he had both to his Tutor, and to ſome honeſt Scholers of his acquaintance given that full evidence of his change of mind both in reference to piety, and good affection to the State (which he had likewiſe evidenced by that ordinary way of taking the Engagement) that there could not be now left any ſcruple in any rational man's breſt concerning either his piety or good affection to the Common wealth. Beſides all this, he had a moſt ample teſtimony both of his piety and good affection to the State, ſuch as is not ordinarily given to any man, from ſome godly and well affected Gentlemen and Miniſters in *Norfolke*, where he had lived the laſt year of his diſcontinuance from the Colledge.

Some buzzings there were of ſome Heterodoxe opinions which he was ſaid to hold, but neither did the Maſter, nor any one of the Society, even of thoſe that deſſented from the election, lay any thing publickly to his charge, and the utmoſt that any of us could heare, ſo much as by rumour, was only of ſome innocuous, though unwary expreſſions uttered once at a hudling diſpute in the Schools, and at an after-ſupper diſcourſe at one of the Sophiſters feaſts; at which times all men know how ordinary it is, and how inoffenſive to maintain by way of diſpute the greateſt Paradoxes.

4ly. The order for election being made upon his petition, and ſent down to us, with our owne and the *Norfolk* teſtimoniall annex'd, wee look'd at him as one recommended to us by the Committee, as the godly and learned perſon intended (though in tenderneſs to the liberty of our election, not nominated) by their order. This election thus made, upon thoſe ſolid reaſons, with a full accompt of all our proceedings in it, we did according to order make a return of to the Committee, not for confirmation, for the election (which, being every way full and legall, needed it not) but onely to ſhow, that in obedience to their order, the Fellowſhip was forthwith ſupplied by election.

The form of our returne to the Committee containing the whole proceedings of our election, was as followes:

To the honourable Committee for Reformation of the Universities.

WHereas there hath been sent to the Colledge an order from this honourable Commitee dated *March* 27. 1651. requiring the Master or President and Fellowes of *Peterhouse* in *Cambridge* forthwith to proceed to election of a godly and learned person into the place of M^r. *Hanscomb*, and to give this honourable Committee an account thereof on this day, these are humbly to certifie, that in obedience to the said order, *Tobias Conyers* Bachelor of Arts, & Scholar of the house of our Colledge, being one generally wel approved of amongst us for his piety, learning and good affection to the Common-wealth, was in a full meeting of the President and Fellowes elected and admitted into the said Fellowship, according to the statute and custome of our Colledge, *April* 5. 1651. as by these following copies of the order, and our proceedings thereupon will more fully appear.

March the 27. 1651.

At the Committee for Reformation of the Universities.

UPon reading the Petition of Mr *Tobias Conyers* Bachelor of Arts and Scholar of *Peterhouse* in the University of *Cambridg*, together with the Testimonialls of him hereunto annex'd, and likewise the return of the Master, and one of the Fellows of the said Colledge, concerning the vacancy of M^r. *Hanscombs* Fellowship, and upon hearing Doctor *Seaman* and M^r. *Hotham* before this Committee, It is ordered upon debate of the matter, that the Master or President and Fellowes of the said Colledge do forthwith proceed to election of a godly and learned person into the place of the said M^r. *Hanscomb*, and that they give an account hereof to this Committee on this day fortnight.

James Chaloner.

March 29. 1651.

Agreed by the President and Fellowes then present, that in obedience to the order from the Committee for Reformation of the Universities

verſities dated *March* 27. 1651, this day be the firſt day of monition according to the ſtatute about election.

According to which agreement the firſt monition for an election was publiſh'd the day and year above written by me
Robert Quarles Preſident.

Robert Quarles Preſident.
James Clarke Dec. ſen. dep.
Edward Sam's Dec. jun.

April. 3. 1651.

Agreed by the Preſident and Fellowes then preſent, unanimouſly, that foraſmuch as they are all well ſatisfied concerning the learning and ſufficiency of Sir *Conyers*, there is no need of publick examination of him in reference to the election, and that therefore it be at this time omitted; yet with this proviſo, that if notice be given to the Preſident of any that will ſtand in competition with him, there ſhall be a publick examination of all the candidates upon Friday and Saturday, according to a former order of the Socety, dated *July* 15. 1646. that ſo the moſt worthy perſons may be elected.

Robert Quarles Preſident.
James Clarke Dec. ſen.
Charles Mildmay Dec. jun.

April 5. 1651.

The ſecond monition in reference to an election into the place of M^r. *Hanſcomb*, was publiſh'd in full meeting according to the ſtatute and cuſtome of our Coledge by me

Robert Quarles Preſident.

Preſentibus Sotiis

John Francius. *Francis Brock* *James Goodall*
Charles Hotham *Edward Sam's* *Thomas Church*
James Clarke *Charles Mildmay* *Ralph Heywood*
William Sam's.

The election preſently followed according to the ſchedule hereunto annexed *pagina ſequenti.*

This is a true extract out of the Colledg Diary, which with the following Schedule is a full account of our whole proceedings concerning the aforeſaid election. *Ita teſtamur* *Ro. Quarles* Pref. *Ja. Clarke* ſen. Dec. *Ch. Mildmay* Dec. jun.

Aprilis

Aprilis 5, *Anno Dom.* 1651.

Conventus Præſidis & Sociorum Collegii S^ti *Petri Cantabr.* pro Electione novi Socii in locum Magiſtri *Hanſcomb* nunc vacantem, octiduo poſt primam monitionem interpoſito.

Ego Johannes Francius *eligo* Tobiam Conyers *Eboracenſem, in Artibus Baccalaureum, in locum Magiſtri* Hanſcomb *ſupradictum; ſed in annum probationis tantùm.*

Ego Carolus Hotham *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Jacobus Clarke *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Franciſcus Brock *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Edwardus Sam's *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Carolus Mildmay *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Jacobus Goodall *eligo* Johannem Quarles *Norfolcienſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Thomas Church *eligo* Gulielmum Stavely *Leiceſtrienſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Radulphus Heywood *eligo* Gulielmum Stavely *Leiceſtrienſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Gulielmus Sam's *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Robertus Quarles *Præſes hujus Collegii, eligo, & electum à majori parte Sociorum pronuncio* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum in locum* Matthæi Hanſcomb *ſupradictum, in annum probationis tantùm.*

Formula

Formula admiſſionis eodem die poſt lectionem ſtatutorum & juramenti præſtationem.

Authoritate mihi commiſſâ, Ego Robertus Quarles *Præſes hujus Collegii, Admitto te* Tobiam Conyers *in Socium hujus Collegii, ex antiqua fundatione, ad annum probationis & convictum.*

Robert Quarles *Præſes Collegii.*

Vera Copia, & concordat cum Originali.

Ita teſtamur, { *Robertus Quarles* Præſes. *Fa. Clarke* ſen. Dec. *Cha. Mildmay* Dec. jun.

But the Maſter, who would neither according to his duty come down to be preſent at the Election, nor ſo far own the Colledg, whoſe Rights he is by the fundamentall Statute to be a Patron of, as to acquaint us with any exceptions he had againſt the perſon in view: (onely as we hear, he ſent ſome private Letters to the Preſident (without any communication to the Society, that Sir *Conyers* might not be elected; together with ſome other private inſtructions to a creature or two of his own) like an enemy, rather then Maſter of the Colledg, comes to accuſe the perſon elected, bringing with him one of his own creatures, who being preſent at the Election, would not before the Society produce any exception againſt Sir *Conyers*, but it ſeems, according to the Maſters inſtructions, reſerved them to be produc'd as a ſcandall to the Colledg (who were the Electors) before the Committee.

The Maſters exceptions were much to the ſame effect with thoſe before mentioned.

Firſt, that he had been a malignant, and had drunk the Kings health upon his knees, and for theſe miſdemeanors had been publickly corrected, and was ſent away into the Country by his Tutor as incorrigible.

2. That he had been guilty of hereſie and blaſphemy, and upon that Accompt was refuſed at St. *Johns* Colledg, where he once ſtood for a Fellowſhip.

In anſwer to which, I being his Tutor, made before the Committee this ſummary relation of his life.

That he being recomended to me by his father, a godly Miniſter in *York-ſhire*, and one who had ſuffered much for the Parliament, I took

took him at his first admission into the Colledge about the age of sixteen years to be my poor scholer, in which service he demeaning himself with all faithfulness and diligence, and shewing himselfe in the quicke apprehension of what ever was laid before him, one of extraordinary parts and industry, that his further proficiency might not be hindred by those necessary diversions of service, I desired to promote him to the degree of a Pensioner; in which way he being not able to maintain himself without some concurrent helps, I was a suter to the Master to confer upon him the Chappel Clerks place then vacant. The Master, as I was told by a third person, who made the motion to him, was willing to it, if I would have truck'd with him; *i. e.* if I would have received one of his recommendation to be my poor Scholer in his place; but I being otherwise engaged, could not do it, and so could not obtain the Masters consent; yet was dismiss'd with this intimation of hopes, That there would be ere long more vacancies of these places, which fell out accordingly; but he whom I had spoke for was never the neerer; for still one or other was promoted before him. Which observing, I took my opportunity, upon a vacancy that happned, to represent the case to the President & Deans, who convinc'd of the poor lads deservings, elected him without the Masters concurrence. This the Master resented so deeply, as at his return he did (as I have been certainly informed) call the President (a man of more standing and worth then himselfe) by such a foul name, as I am ashamed to mention. And in passion would, had not I withstood him, under pretence of translation, have thrust this poor youth out of his place of eight or nine pounds a year, into a poor place of three or four pounds a year; and has ever since that time born him an implacable malice.

The poor youth being something elated with this sudden promotion, began a little to lay himself open to temptation, and as was before related, through the seducement of a malignant, whom he fell acquainted with, was something infected, and by chance a Rakell of *Pembroke*-Hall coming into our Butteries, and beginning the Kings health, 'twas his unhappiness (as of some other simple lads there present, who were no malignants) to pledg it, yet not upon his knees, as was alledged: hearing of this, I sent for him, and finding the original of this distemper to proceed from a chamber-fellow with whom without my privity he had associated himself, I commanded

ded him back to his former chamber, but he refuſing, that the example of his miſdemeanor and diſobedience might not further infect the Colledg by his impunity, I corrected him publickly before two or three of the ſcholers in my chamber; and becauſe I conceived a fathers admonitions might be moſt powerfull with him, I ſent him down to the Country with letters to his father, informing him how the caſe ſtood, that if a reall reformation ſhould appear in him, he ſhould be welcome to me again; if not, that he muſt diſpoſe of him ſome other where, for I would own none ſuch as he was in that preſent condition: ſo after ſome reaſonable ſtay in the Country, his father returned him up to me again, as a reformed man, of which he gave good evidence by a whole years pious & religious converſation. And beſides, better to ſatisfie my ſelf, I enquired concerning him of ſome honeſt and religious lads, whom I durſt truſt, who profeſſed to me, that he had divers times in their hearing teſtified his great ſorrow for his former miſcarriages; and that to them he then appeared, aſmuch as could be, of a truly pious diſpoſition. Hereupon the youth having taken his degree of Bachelor of Arts, I began to look out for ſome preferment for him, and knowing the Maſters malice to him was ſuch as 'twas impoſſible without higher conteſts then I was willing to engage in, to prefer him in our own Colledg, and hearing of a way open in S^t. *Johns* Colledg, I made a ſute to ſome of that Colledg in his behalf, acquainting them fully with the worſt of this which the Maſter now objects, and received from them good encouragement.

But the day before their ſitting I received a note from one of the Fellowes there, of a report they had heard of ſome Arminian tenent which he had maintained in the Schools, whereupon I ſent for S^r. *Conyers*, and charg'd him with it; chid him for that he had, contrary to my counſells, troubled his head in his unriper years with the ſtudy of the contentious part of Divinity, yet withall charg'd him with all ſeverity that whatſoever opinion though never ſo heterodox, he was poſſeſſed of in his judgment, he ſhould not deny it for any wordly preferment; but if thoſe things which he was ſaid to have diſputed for in the ſchools were not his judgment, he ſhould then expoſe himſelf to examination to clear himſelf of thoſe aſperſions: his anſwer to me was, that he had not maintain'd any thing that way as his judgment, and that he doubted not of giving ſatisfaction in any reaſonable way that could be expected: Whereupon I writ to S^t. *Johns*

Colledg, that I wondred any thing uttered by way of diſpute in thoſe tumultuary velitations, ſhould be eſteemed an argument of a mans judgment, and that Sir *Conyers* was ready to give ſatisfaction to ought could be alledged againſt him: But I was anſwered, that the time of election being now come, the ſuſpicion that was conceived of him could not be removed in ſuch an inſtant, and that therefore it was better to forbear ſitting, which counſel of his was accordingly followed.

So the poor young man deſtitute of maintinance, was not able to continue longer in the Colledg, but retired to a poor employment into *Norfolke*, where he has liv'd neer the ſpace of a whole yeare; during which time, what his behaviour hath been, and what opinion the religious and well affected of that place have of him, this teſtimony of men well known to ſome members of this Committee, which I deſire may be rehearſed before you, will make it appear.

Norff.

Theſe are to certifie all whom it may concern, that Mr *Tobias Conyers* now reſident in *Hapton*, hath, during his abode here, been blameleſs in his life and converſation, uſefull in teaching of children, and painfull and induſtrious in his calling and ſtudies: And that from time to time he hath ſhewed good affections to the preſent Government, and ſetlement of the Common wealth; and hath been deſirous after the beſt things, and expreſſed much longing after communion with God in holy duties, and ordinances; and hath laboured to promote the cauſe of God to the utmoſt of his power, as he hath had opportunity; declaring much love to the truth, preferring the ſociety of the godly, and turning from ſuch as are otherwiſe minded: All which things, we whoſe names are underwritten do very freely and heartily teſtifie this 11th of February 1650.

John Reymes.
Edward Waile Paſtor of the Church at *Hapton.*
Nathaneel Brewſter Miniſter of *Neatſhead*
Michael Whitefoot.

So you ſee the man was no original malignant, nor was he ever any drunkard, or otherwiſe ſcandalous perſon, but only for a ſhort time ſeduced, and quickly cured of his diſtemper: as for a ſcandall which

'twas

'twas his unhappineſs to fall into, he received then condigne puniſhment, & therefore ought not to be puniſhed again for the ſame, eſpecially his life both before and after being exemplarily vertuous; and beſides, having voluntarily upon the firſt coming out of the Act of Parliament for that purpoſe ſubſcribed the engagement, which in other caſes has been adjudged alone ſufficient to qualifie a man for keeping his old, or acquiring new preferment.

As for Blaſphemy, 'tis by the Maſter only alledged, not proved; nor do I beleeve he was ever guilty of it in the leaſt. But with Epiſcopall ſpirits every petty difference in opinion is a capitall crime: and not to ſay Amen (though without underſtanding) to each article of their voluminous Creed, is blaſphemy againſt the Holy Ghoſt. They not conſidering, that the paſſage of religious ſpirits is, as through many tribulations into the Kingdom of God, ſo through many errours into the true knowledg of God.

Beſides, it might have been conſidered, that his election was only as Probationer, during which time, being a whole year, he was to ſtand upon his good behaviour, and if in all that time he gave juſt cauſe of offence, was by our ſtatute to be denied admittance into perpetuity of his poſſeſſion. And therefore the danger of him, if there were any, was not conſiderable. But that we have one in our Colledg put in by this Committee, who ſince the date of this miſdemeanor was ſo malignant, as publickly, in the face of al the Colledg aſſembled together, to paralell the Parliament for their proceedings with the King, &c. with the Powder treaſon of the Jeſuits and Papiſts, contrived and carried on under pretence of Religion. Now this man being made Fellow by this Committee, we did not in regard he was otherwiſe a man of good deſert, oppoſe our ſelves againſt his admittance, onely in regard of his late diſaffection, petitioned this Commitee, that he might according to our ſtatute ſtand upon his good behaviour for one year before a finall ſettlement in his place: But in this caſe, the Maſter neither regarding the obligation upon him by our ſtatute, nor by his engagement to be true and faithfull to the Common wealth of *England*, would either petition himſelfe, nor joyn with us in that petition: whence 'tis apparant, that the great object of his diſtaſte here was not the malignancy, but only the perſon, now clear enough from that diſeaſe.

Laſtly, though I will not take upon me to enquire into the hidden myſteries of a ſuperior power, yet this I ſhall ſay, that that

power which can eject a man out of his legall poſſeſſion for a miſdemeanor of a date of neere two years old, committed and puniſhed in the dayes of his minority, long before his entrance into that poſſeſſion, muſt ſure be very tranſcendent, and above that of any, either common Law or Chancery, that I have heard of.

The Committee having heard what they thought fit on both ſides, we were commanded according to cuſtome to withdraw, and the doores to be ſhut.

What was ſaid *pro*, or *con* at the private debate, the man with the great beard only knows. But the reſult was as followeth.

Aprill. 10. 1651.

At the Committee for Reformation of the Univerſities.

FOraſmuch as it appears to this Committee, that *Tobias Conyers* elected by the Fellowes of *Peterhouſe* into the Fellowſhip of Maſter *Hanſcomb*, hath been guilty of ſcandall, and malignancy, therefore this Committee adjudg him unfit for this Fellowſhip.

Reſolved,

That this Committee will chuſe a Fellow into the place of Mr. Conyers *this day fortnight.*

One who was the Maſters Sizar, and who, for ought that yet appears, never ſubſcribed the engagement, is now put into this Fellowſhip.

Theſe things I have been inforc'd to publiſh for vindication of the Colledges repute from thoſe ſcandals endeavuor'd to be throwne upon it by our unworthy Maſter; in which (being little more then a bare hiſtoricall narrative of the proceedings) I doe not in the leaſt take upon me to judg of the honourable Committees ſeverity in this their cenſure upon Sir *Conyers*, only to make it appear, that the Preſident and Fellowes in their choice of him did nothing but what was agreeable to their truſt, both as members of the Colledge and Common-wealth.

A

A Letter from our Preſident to one of the Society in London, *upon occaſion of the Maſters man being made Fellow of our Colledge.*

Sir,

I Marvel Maſter *Becher* neglected his place in this faſhion, he did. For my part, I deſired him much to the contrary. Sir *Church* is admitted into it; after ſeven dayes (prefixed by the Fellowes) were expired. S^r. *Heywood* the under buttler did bring yeſterday morning an other order for M^r. *Majors* place; which we do much wonder at, ſeeing D^r. *Seaman* at his laſt being at *Cambridg*, did both give ſeverall ſtatutable reaſons why this place ought to be kept voyd: as alſo did promiſe to do his beſt endeavours that it might be alſo. Being then, that D^r. *Seaman* and the major part of our Society are now at *London*, I thought good to make a ſtop of Sr *Heywoods* admiſſion for ſeven days, till we hear what your mind is. I do not know where M^r. *Horham*, M^r. *Clarke*, and M^r. *Brock* have their lodgings at *London*, otherwiſe I had written to them alſo. I have acquainted D^r. *Seaman* to the ſelfeſame purpoſe yeſterday, being Tueſday, and the 24. of *December*, at the receipt of that Order. I ſent my letter unto him with one *Green* a *Cambridg* letter Carrier, and delivered the letter my ſelf unto him, upon Tueſday laſt before he went. I pray preſent my beſt reſpects to your brother Doctor, and our Society now at *London*. With the wiſhes of a happy new year I reſt; deſiring to here of you this week.

S^r. *I am yours, &c.* I. H.

Cambridg, in haſte,
January 25. 1650.

A Letter from one of our Society upon the ſame occaſion, to another of our Fellowes then in London.

Sir,

SInce your departure, there is another *Mandamus* come to ſupply M^r. *Majors* Fellowſhip, S^r. *Heywood* hath got it, and expects his admiſſion daily; but D^r. *Francius* hath ſent to the Maſter to know his reſolution, as alſo the minds of the Fellows which are in *London*, determining to defer his admiſſion til he hath received your anſwers,

&c

or be aſcertain'd whether you will vindicate the Colledg from ſuch a manifeſt violation, and intruſion, or not. S^r^, there are a conſiderable part of our Society now in *London*, it much concerns you to act your utmoſt, to deliver your ſelf and the Colledg from ſo great a detriment: You may preſs the Maſter with thoſe proteſtations which he made the laſt time he was with us, whether they are not incompatible with S^r^. *Heywoods* Mandate, or whether his vow which openly he expreſt, to keep void that Fellowſhip, be conſonant with the obtaining an inſtrument to put in his own man. S^r^, you know the manner of his proceedings better then I can inform you, only I thought it neceſſary to give you notice of it, leſt the ſeven days ſhould be expired before you were acquainted with it. I have nothing elſe but my ſervice to preſent unto your ſelf, M^r^. *Hotham*, and all the Society with you, and to ſubſcribe my ſelf.

Tours, &c. C. M.

Decemb. 11.—50.

FINIS.